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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGER ARDEN ELSETH, PATRICIA)
ANN ELSETH AND ALLEN ELSETH by his)
guardian ad litem ROGER ARDEN)
ELSETH AND PATRICIA ANN ELSETH,)

2:08-cv-02890-GEB-KJM

Plaintiffs,)

v.)

ORDER*

VERNON SPEIRS, Chief Probation)
Officer of the County of)
Sacramento; DAVID GORDON,)
Superintendent County Department)
of Education; Sheriff of the)
County of Sacramento, Deputy)
Sheriff Tam, Deputy Sheriff)
Allenguiry, Dr. Saxton, M.D., DOES)
J1 to J20 and Does E1 to E20,)
inclusive, and DOES M1 to M5,)

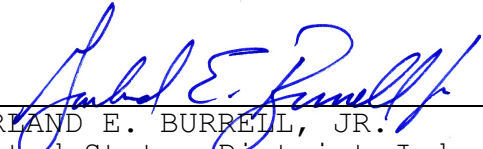
Defendants.)
_____)

On July 10, 2008, Plaintiffs filed a motion for relief from
an exhaustion of administrative remedies ruling in an order filed July
1, 2009, premised on Federal Rule of Civil Procedure 59. However,
since Rule 59 is not applicable to this order, this portion of

* This matter was determined to be suitable for decision without
oral argument. E.D. Cal. R. 78-230(h).

1 Plaintiffs' motion is denied. Plaintiffs argue, alternatively, that
2 the challenged portion of the order should be found suitable for
3 appeal under 28 U.S.C., § 1292(b), but Plaintiffs have not met the
4 showing required under this statute. Therefore, Plaintiffs' motion is
5 denied.

6 Dated: August 13, 2009

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GARLAND E. BURRELL, JR.
United States District Judge

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