IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GENE WOODHAM,

Plaintiff, No. CIV S-09-0082 WBS GGH P

vs.

RN DATOR, et al.,

Defendants. ORDER

_____/

By Order, filed on September 13, 2010, the July 29, 2010 Findings and Recommendations of the undersigned were adopted and defendants' motion to dismiss was granted in part and denied in part. Thereafter, a further scheduling order issued erroneously, indicating that a motion for summary judgment had been resolved, rather than a motion to dismiss.

Accordingly, IT IS ORDERED that:

1. The remaining defendants must file an answer within twenty-eight days of the filed date of this order;

2. The deadlines set forth in the Further Scheduling Order, filed on September 22, 2010 (docket # 41), for the filing of pretrial statements, for the pretrial conference and for trial are hereby VACATED; and

3. Once an answer is filed, a scheduling order setting forth the discovery and pretrial motion deadlines will be issued.

DATED: September 23, 2010

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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