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

COREY D. SPECK,

Plaintiff,

No. 2:09-cv-3440 TLN EFB P

vs.

SHASTA COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

ORDER

Plaintiff is a former state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On May 21, 2013, the court recommended that this action be dismissed for failure to prosecute after plaintiff failed to file a response to defendants' motion to dismiss. Dckt. No. 35. The next day, plaintiff's "objections" to the motion to dismiss were filed. Dckt. No. 36. The court construes plaintiff's filing as an opposition to the motion to dismiss.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations (Dckt. No. 35) are vacated; and
- 2. Defendants' reply, if any, shall be filed within seven days of the date this order is served.

Dated: June 3, 2013.


 EDMUND F. BRENNAN
 UNITED STATES MAGISTRATE JUDGE