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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES G. REECE,
Plaintiff,
v.
D.K. SISTO, et al.,
Defendants.

No. 2:10-cv-0203-JAM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. On April 4, 2012, the court granted defendants’ June 21, 2011 motion to dismiss on the grounds that plaintiff failed to exhaust his administrative remedies prior to filing suit. ECF No. 37. In doing so, the court did not consider the alternate grounds for dismissal argued in defendants’ motion. See ECF No. 22.

On August 2, 2013, the U.S. Court of Appeals for the Ninth Circuit reversed this court’s April 4, 2012 ruling and remanded the action for further proceedings. ECF No. 43.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Clerk of the Court is directed to reopen this case; and

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2. In due course, the court will issue findings and recommendations addressing the alternate arguments for dismissal in defendants' June 21, 2011 motion to dismiss.

Dated: September 3, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE