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

BILLY PAUL BIRDWELL, II,

Plaintiff,

No. CIV S-10-0719 KJM GGH P

vs.

M. CATES, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner who is proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. On January 27, 2011, plaintiff filed a motion for a preliminary injunction, however, on February 9, 2011, plaintiff filed a motion to vacate the motion for a preliminary injunction.

Accordingly, IT IS HEREBY ORDERED that plaintiff's February 9, 2011, motion to vacate (Doc. 29) is granted and the January 27, 2011, motion (Doc. 25) is vacated.

DATED: February 15, 2011

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWES  
UNITED STATES MAGISTRATE JUDGE

GGH:AB  
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