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

MICHAEL CHESS,

Plaintiff,

No. 2: 10-cv-1261 LKK KJN P

vs.

TOM FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On May 31, 2011, defendants filed a summary judgment motion. On November 14, 2011, the undersigned recommended that this action be dismissed for lack of subject matter jurisdiction. These findings and recommendations are pending before the district court.

Accordingly, IT IS HEREBY ORDERED that defendants' May 31, 2011 summary judgment motion (Dkt. No. 48) is vacated from the calendar; if the district court does not adopt the findings and recommendations, defendants' summary judgment motion will be reinstated.

DATED: March 21, 2012


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

ch1261.vac