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

JOSEPH A. SHERMAN,

Plaintiff,

No. CIV S- 11-0820 JAM GGH PS

vs.

CITY OF DAVIS,

Defendant.

ORDER

_____ /

Plaintiff, is proceeding in this action pro se and in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302(21), pursuant to 28 U.S.C. § 636(b)(1).

By order of November 9, 2011, plaintiff’s “motion for summary judgment,” filed September 27, 2011, was vacated without prejudice as premature based on a motion to dismiss that was pending before the court. At that time, the court stated that to the extent possible, it would construe plaintiff’s filing as an opposition to the motion to dismiss. Plaintiff has since filed a “motion for hearing” in regard to that vacated summary judgment motion.

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