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**\*E-Filed 11/3/11\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MALCOLM L. LANDRY,

No. C 10-04707 RS

Plaintiff,

v.

**ORDER VACATING REFERRAL TO  
MAGISTRATE JUDGE FOR  
SETTLEMENT**

MIKE BERRY,

Defendant.

Defendant filed a notice of appeal from this Court's order denying the parties' cross motions for summary judgment. Consistent with the parties' joint request, this Court's prior order referring the case to a magistrate judge for settlement (Dkt. No. 60) is hereby vacated, pending the appeal.

IT IS SO ORDERED.

Dated: 11/3/11



RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

No. C 10-04707 RS  
ORDER

**United States District Court**  
For the Northern District of California