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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRANLETT EUGENE KIMMONS,

Plaintiff,

v.

A. AVILAR,

Defendant.

Case No. [14-cv-00954-JD](#)

**ORDER VACATING MOTION FOR  
DISPOSITIVE JUDGMENT**

Re: Dkt. No. 31

Plaintiff, a former prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. This case is stayed and has been referred for settlement proceedings pursuant to the Pro Se Prisoner Mediation Program. Plaintiff has filed a motion for dispositive judgment because defendant failed to file a dispositive motion. Because the case has been stayed and referred for settlement proceedings, defendant need not file a dispositive motion until receiving further instruction from the Court. Plaintiff's motion (Docket No. 31) is **VACATED** without prejudice and plaintiff may file a dispositive motion if this case does not settle.

**IT IS SO ORDERED.**

Dated: May 12, 2015

  
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JAMES DONATO  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 5/12/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Branlett Eugene Kimmons ID: AR2030  
P.O. Box 160052  
Sacramento, CA 95816-160052

Dated: 5/12/2015

Richard W. Wieking  
Clerk, United States District Court

By:  \_\_\_\_\_  
LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO