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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES W. BRAMMER,

CASE NO. 1:10-cv-01261-AWI-GBC (PC)

Plaintiff,

ORDER VACATING FINDINGS AND  
RECOMMENDATION RECOMMENDING  
DISMISSAL FOR FAILURE TO STATE A  
CLAIM

v.

K. MENDOZA-POWERS, et al.,

(Doc. 16)

Defendants.

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Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On October 11, 2011, findings and recommendations were entered, recommending dismissal of this action for Plaintiff's failure to state a claim. Doc. 16. On October 12, 2011, Plaintiff filed his first amended complaint. Doc. 17. A complaint may be amended once as a matter of course. Fed. R. Civ. P. 15(a).

Accordingly, IT IS HEREBY ORDERED that the October 11, 2011 recommendation of dismissal is vacated.

IT IS SO ORDERED.

Dated: November 7, 2011

  
UNITED STATES MAGISTRATE JUDGE