UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD R. BARNES,	CASE NO. 1:12-cv–00834-AWI-BAM PC
Plaintiff,	ORDER VACATING FINDINGS AND RECOMMENDATIONS AND DENYING PLAINTIFF'S MOTION TO FILE COMPLAINT
v.	
S. GREAGER.,	(ECF Nos. 6, 8)
Defendant.	
_____/	

Plaintiff Donald R. Barnes is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On July 24, 2012, findings and recommendations issued recommending dismissing this action for Plaintiff's failure to file a motion to proceed in forma pauperis or to pay the filing fee. (ECF No. 6.) On August 27, 2012, Plaintiff filed a motion to proceed in forma pauperis and a motion to file the complaint. (ECF Nos. 7, 8.) Since Plaintiff has now complied with the court order the findings and recommendations shall be vacated.

Plaintiff's complaint was filed on May 22, 2012, therefore the motion to file the complaint shall be denied as moot. The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). Plaintiff is advised that the Court screens complaints in the order in which they are filed and strives to avoid delays whenever possible. However, there are hundreds of prisoner civil rights cases presently pending before the Court, and delays are inevitable despite the Court's best efforts. Plaintiff's complaint shall be screened in due time.

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1   Accordingly, IT IS HEREBY ORDERED that:

2   1.   The findings and recommendations, issued July 24, 2012, is VACATED; and

3   2.   Plaintiff's motion to file his complaint, filed August 27, 2012, is DENIED as moot.

4   IT IS SO ORDERED.

5 **Dated:**   **August 30, 2012**   /s/ **Barbara A. McAuliffe**
                                     UNITED STATES MAGISTRATE JUDGE