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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 JIMMY JACOB RENTERIA,

Case No. 1:15-cv-01191- SMS

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12 Plaintiff,

ORDER VACATING SCREENING ORDER
FILED ON DECEMBER 30, 2015

13 v.

14 ADOLFO JIMENEZ, JOHN PIERRO, GUY
15 TURNER, and DOES 1-10,

16 Defendants.

(Doc. 5)

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18 On July 31, 2015, Plaintiff Jimmy Renteria, a state prisoner proceeding *pro se* and *in forma*
19 *pauperis* filed a complaint under 42 U.S.C. § 1983, alleging violations of his rights under the
20 United States Constitution. After reviewing the complaint and applicable law, the Court filed an
21 “Order Screening Complaint Under 28 U.S.C. § 1915A” on December 30, 2015, dismissing the
22 complaint in part and allowing Plaintiff to proceed on the surviving claims. Doc. 5. Such an order,
23 however, contravened established law that a magistrate judge cannot make a final and binding
24 disposition absent designation by a district judge or consent by the parties, and therefore issued in
25 error. *See* 28 U.S.C. § 636(b)(1), (c)(1); Local Rules 302-305.
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27 To correct the error, the Court hereby vacates its December 30, 2015 order. Doc. 5. The
28 Court will thereafter issue Findings and Recommendation under 28 U.S.C. § 636(b)(1) and Local

1 Civil Rule 302 of the United States District Court for the Eastern District of California. Plaintiff
2 will have an opportunity to object to the findings and recommendation.
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5 IT IS SO ORDERED.

6 Dated: January 5, 2016

7 /s/ Sandra M. Snyder
8 UNITED STATES MAGISTRATE JUDGE
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