

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEVEN J. WOHL,

Plaintiff,

v.

GRAY DAVIS, et al.,

Defendants.

CASE NO. 1:03-cv-06921-LJO-YNP PC

ORDER VACATING FINDINGS AND RECOMMENDATION

(Doc. 12)

Plaintiff Steven J. Wohl (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 26, 2009, the Court screened Plaintiff’s complained and dismissed it for failure to state any claims. (Doc. #9.) Plaintiff was given leave to file an amended complaint within 30 days. On June 29, 2009, no amended complaint was filed and the Court issued a findings and recommendation that recommended that this action be dismissed for failure to state a claim. (Doc. #12.) On July 1, 2009, Plaintiff filed a second amended complaint. (Doc. #14.) The Court will vacate its June 29, 2009 recommendation of dismissal and allow this action to proceed on Plaintiff’s second amended complaint. Plaintiff’s second amended complaint will be screened pursuant to 28 U.S.C. § 1915A(a) at a later date.

Accordingly, it is HEREBY ORDERED that the findings and recommendation issued by the Court on June 29, 2009 is VACATED.

IT IS SO ORDERED.

Dated: February 18, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE