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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN HARRIS,

Plaintiff,

vs.

1: 05 CV 0003 OWW WMW PC

ORDER

KIM, et al.,

Defendants.

On June 26,2008, findings and recommendations were entered, recommending dismissal of this action for Plaintiff’s failure to prosecute. On June 30, 2008, Plaintiff filed a second amended complaint, on which this action proceeds.

Accordingly, IT IS HEREBY ORDERED that the June 30, 2008, findings and recommendations are vacated.

IT IS SO ORDERED.

Dated: February 5, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE