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

JULIAN DE MEDEIROS,

Plaintiff,

vs.

1: 05 CV 0397 AWI WMW PC

ORDER

JAMES A. YATES, et al.,

Defendants.

On March 6,2009, findings and recommendations were entered, recommending dismissal of this action for Plaintiff’s failure to file an amended complaint. On March 8, 2009, Plaintiff filed objections to the findings and recommendations. On April 14, 2009, Plaintiff filed a second amended complaint. Accordingly, IT IS HEREBY ORDERED that:

1. The March 6, 2009, recommendation of dismissal is vacated.
2. This action proceeds on the April 14, 2009, second amended complaint.

IT IS SO ORDERED.

**Dated:** April 27, 2009

/s/ William M. Wunderlich  
UNITED STATES MAGISTRATE JUDGE