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

DALE OWEN DUSTIN,

Plaintiff,

vs.

1: 05 CV 0768 LJO WMW PC

ORDER RE FINDINGS AND
RECOMMENDATIONS (DOC 22)

G. GALAZA, et al.,

Defendants.

On July 8, 2008, findings and recommendations were entered, recommending dismissal of this action for failure to state a claim. On August 1, 2008, the court granted Plaintiff leave to file an amended complaint, on which this action proceeds.

Accordingly, IT IS HEREBY ORDERED that the July 8, 2008, findings and recommendations are vacated.

IT IS SO ORDERED.

Dated: February 9, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE