

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

PHILLIP JON ROSENBLUM,		NO. 1:05-cv-01473 -LJO-GSA-PC
)	ORDER VACATING FINDINGS AND
Plaintiff,)	RECOMMENDATIONS AND
)	DENYING MOTION FOR
v.)	EXTENSION OF TIME
)	
C/O ELLIS, et al.,)	(Docs. 61, 63)
)	
Defendants.)	
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Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 15, 2010, findings and recommendations were entered, recommending dismissal of this action for Plaintiff’s failure to prosecute. The recommendation was based on Plaintiff’s failure to file an amended complaint in compliance with an earlier order. On July 20, 2010, Plaintiff filed a first amended complaint, on which this action now proceeds. On August 20, 2010, Plaintiff filed a motion for extension of time in which to file objections to the findings and recommendations. Because Plaintiff has filed a first amended complaint, the Court will vacate the recommendation of dismissal. Plaintiff’s request for an extension of time to file objections is therefore moot.

Accordingly, IT IS HEREBY ORDERED that:

1. The July 15, 2010, recommendation of dismissal is vacated.
2. Plaintiff’s motion for extension of time filed on August 20, 2010, is denied as moot.

IT IS SO ORDERED.

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Dated: August 26, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE