

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

MAUWAI FARHA,

Plaintiff, 1:06 CV 0755 OWW WMW PC

vs. ORDER

B. SILVA, et al.,

## Defendants.

On February 18, 2009, findings and recommendations were entered, recommending dismissal of this action for Plaintiff's failure to respond to the order of January 13, 2009. That order directed Plaintiff to inform the court whether he intended to proceed on the original complaint or file an amended complaint. Plaintiff has submitted a proposed amended complaint.

Accordingly, IT IS HEREBY ORDERED that the February 18, 2009, recommendation of dismissal is vacated. This action proceeds on April 28, 2009, first amended complaint.

IT IS SO ORDERED.

Dated: April 30, 2009

/s/ William M. Wunderlich  
UNITED STATES MAGISTRATE JUDGE