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

DANIEL ROWE,
Plaintiff,
vs.
DEPARTMENT OF CORRECTIONS,
et al.,
Defendants.

1:06-cv-01171-LJO-SMS-PC
ORDER VACATING FINDINGS AND
RECOMMENDATIONS OF NOVEMBER
20, 2008
(Doc. 14.)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On November 20, 2008, the undersigned entered findings and recommendations to dismiss plaintiff’s case for failure to state a claim, as a result of plaintiff’s failure to comply with the court’s order of April 28, 2005 which dismissed the complaint and ordered plaintiff to file an amended complaint within thirty days. (Doc. 14.) On November 25, 2008, plaintiff filed an amended complaint. (Doc. 15.) Due to plaintiff’s submission of the amended complaint and good cause appearing, the findings and recommendations of November 20, 2008 shall be vacated.

Based on the foregoing, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations of November 20, 2008 are VACATED; and
- 2. The court shall screen plaintiff’s amended complaint in due course.

IT IS SO ORDERED.

Dated: January 13, 2009 /s/ Sandra M. Snyder

UNITED STATES MAGISTRATE JUDGE

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