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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LUMPKIN WILLIAMS,

CASE NO. 1:06-cv-01569-AWI-YNP PC

Plaintiff,

ORDER VACATING FINDINGS AND
RECOMMENDATIONS (Doc. 16)

v.

GARZA, et al.,

Defendants.

Plaintiff Lumpkin Williams (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On May 20, 2009, the Court dismissed the operative complaint in this action and gave Plaintiff 30 days to file an amended complaint. (Doc. #14.) On July 9, 2009, Plaintiff had not yet filed an amended complaint and the Court issued a findings and recommendation recommending that this action be dismissed for Plaintiff’s failure to obey the May 20, 2009 order. (Doc. #16.) On July 10, 2009, Plaintiff filed a motion for a extension of time to file his amended complaint. (Doc. #17.) The Court granted Plaintiff’s motion for extention of time and Plaintiff filed his Second Amended Complaint on August 18, 2009. (Docs. #18, 19.)

Accordingly, it is HEREBY ORDERED that the July 9, 2009 findings and recommendation is vacated. This action proceeds on the August 18, 2009 Second Amended Complaint.

IT IS SO ORDERED.

Dated: September 21, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE