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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARVIN FLEMING,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. 1:07-cv-00461-OWW-YNP PC

ORDER VACATING FINDINGS AND RECOMMENDATIONS

(Doc. 13)

Plaintiff Marvin Fleming (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal actors.

On August 25, 2009, a findings and recommendations was issued recommending dismissal of this action for Plaintiff’s failure to prosecute. The recommendation was based on Plaintiff’s failure to keep the court apprised of his current address. Plaintiff has since submitted a notice of change of address.

Accordingly, IT IS HEREBY ORDERED that the August 25, 2009 recommendation of dismissal is vacated.

IT IS SO ORDERED.

Dated: October 8, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE