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

SHANNON LEWIS AVERY, SR.,

Plaintiff,

1: 07 CV 01175 OWW YNP GSA (PC)

vs.

ORDER

G. GONZALES , et al.,

Defendants.

On September 10, 2009, a recommendation of dismissal was entered, recommending dismissal of this action for Plaintiff’s failure to file an amended complaint. On the same date, Plaintiff requested an extension of time in which to file an amended complaint, which was granted on September 21, 2009. Plaintiff timely lodged an amended complaint.

Accordingly, IT IS HEREBY ORDERED that the September 10, 2009, recommendation of dismissal is vacated.

IT IS SO ORDERED.

Dated: November 17, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE