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

JUAN C. CALDERON,

Plaintiff,

vs.

1: 07 CV 01719 LJO YNP GSA (PC)

ORDER RE MOTION (DOC 18)

JEANNE WOODFORD, et al.,

Defendants.

On November 10, 2009, findings and recommendations were entered, recommending dismissal for failure to state a claim. The recommendation was based upon Plaintiff's failure to file an amended complaint in compliance with an earlier order dismissing the operative pleading and granting Plaintiff leave to file an amended complaint. On November 12, 2009, Plaintiff filed a motion for extension of time in which to file an amended complaint, which was granted on November 17, 2009. On November 18, 2009, Plaintiff filed a motion to vacate the findings and recommendations.

Good cause appearing, IT IS HEREBY ORDERED that Plaintiff's motion to vacate the November 10, 2009, findings and recommendations is granted. The November 10, 2009, recommendation of dismissal is vacated.

IT IS SO ORDERED.

**Dated: November 24, 2009**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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