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

KELVIN FULLER,

1:08-cv-00465-LJO-GSA-PC

Plaintiff,

ORDER VACATING FINDINGS  
AND RECOMMENDATIONS OF  
NOVEMBER 5, 2009  
(Doc. 17.)

vs.

YATES, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding with a civil rights action pursuant to 42 U.S.C. § 1983. On November 5, 2009, the undersigned issued findings and recommendations to dismiss this action for plaintiff's failure to obey a court order requiring him to file a second amended complaint. (Doc. 17.) Plaintiff was granted an opportunity to file objections to the findings and recommendations within thirty days. On November 23, 2009, plaintiff submitted a second amended complaint which was filed by the clerk. (Doc 18.) In light of the fact that plaintiff has now submitted the second amended complaint, the findings and recommendations shall be vacated.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on November 5, 2009, are VACATED in their entirety; and
2. The Court shall screen the second amended complaint in due course.

IT IS SO ORDERED.

**Dated: December 16, 2009**

**/s/ Gary S. Austin**

UNITED STATES MAGISTRATE JUDGE

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