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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RICKY REYES,

Plaintiff,

v.

WARDEN, et al.,

Defendants.

CASE NO. 1:08-CV-00709-LJO DLB-PC

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS

(Doc. 15)

Plaintiff Ricky Reyes (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on May 5, 2008. On September 11, 2008, the court issued a Findings and Recommendations recommending that this action be dismissed without prejudice for Plaintiff’s failure to prosecute. The Findings and Recommendations contained notice that any objection was to be filed within fifteen days.

On February 2, 2009, Plaintiff filed an objection, wherein he states that he has not been discharged, and any mail returned to the Court as undeliverable on these grounds is incorrect. Plaintiff further states that any inability of the Court to communicate with him is not based on Plaintiff’s failure to keep the Court apprised of his current address, as he has been housed at Kern Valley State Prison since 2006.<sup>1</sup>

The Findings and Recommendations are **HEREBY VACATED**.

**IT IS SO ORDERED.**

**Dated: February 9, 2009**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Plaintiff’s current address for service is: Ricky Reyes, K-37301, Kern Valley State Prison (5103), P.O. Box. 5103, Delano, California, 93216-6000. The Court notes that in the papers filed by Plaintiff throughout this action, he lists his CDCR Inmate Number as either K-37301 or K-73701, which may cause his mail to be returned as undeliverable. (See Docs. 5, 8 and 16).