

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Plaintiff Johnny D. Cooper, Sr. (“Plaintiff”), is proceeding pro se and in forma pauperis in this action filed on January 14, 2009.

On January 23, 2009, the Court set an Initial Scheduling Conference on May 7, 2009, before the Honorable Dennis L. Beck, United States Magistrate Judge. However, as the Court dismissed the complaint with leave to amend, an amended complaint has not been filed, and the Court has not conducted an initial review of the amended complaint, if any, pursuant to 28 U.S.C. § 1915(e)(2), a scheduling conference is premature.

Accordingly, the May 7, 2009, Initial Scheduling Conference is VACATED.

IT IS SO ORDERED.

Dated: February 9, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE