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

ANTONIO CANDELARIO,

Plaintiff,

vs.

1: 09 CV 00366 AWI YNP SMS (PC)

ORDER

T. NGUYEN, et al.,

Defendants.

On August 27, 2009, a recommendation of dismissal was entered, recommending dismissal of this action based upon Plaintiff's failure to file an amended complaint. Plaintiff filed a motion for extension of time in which to file an amended complaint, which was granted on November 13, 2009.

Accordingly, IT IS HEREBY ORDERED that the August 27, 2009, recommendation of dismissal is vacated.

IT IS SO ORDERED.

**Dated: December 2, 2009**

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE