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

THOMAS DUNAWAY,

Plaintiff,

vs.

1: 09 CV 00520 OWW YNP SMS (PC)

ORDER RE MOTION (DOC 29)

KEN CLARK, et al.,

Defendants.

On August 10, 2009, an order was entered, dismissing the complaint and granting Plaintiff leave to file an amended complaint. On September 16, 2009, a recommendation of dismissal was entered, recommending dismissal of this action for failure to state a claim. On September 17, 2009, Plaintiff filed a first amended complaint.

Accordingly, IT IS HEREBY ORDERED that the September 16, 2009, recommendation of dismissal is vacated.

IT IS SO ORDERED.

Dated: October 14, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE