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

EDWARD HEWITT,	CASE NO. 1:09-cv-00661-AWI-GBC (PC)
Plaintiff,	ORDER VACATING FINDINGS AND
v.	RECOMMENDATIONS RECOMMENDING
STATE OF CALIFORNIA, et al.,	DISMISSAL FOR FAILURE TO STATE A
Defendants.	CLAIM
	Doc. 29

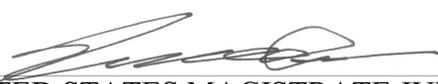
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Plaintiff is a former prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On October 4, 2011, the undersigned issued findings and recommendations, recommending dismissal of this action for Plaintiff's failure to state a claim. Doc. 29. On October 25, 2011, Plaintiff filed his third amended complaint. Doc. 30.

Accordingly, IT IS ORDERED that the October 4, 2011, recommendation of dismissal is  
HEREBY VACATED.

IT IS SO ORDERED.

Dated: December 14, 2011

  
UNITED STATES MAGISTRATE JUDGE