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

ISSA SANAD BEIRUTI,)	Case No.: 1:09-cv-01041 LJO JLT (PC)
Plaintiff,)	ORDER WITHDRAWING FINDINGS &
vs.)	RECOMMENDATION
)	(Doc. 41)
CORRECTIONS CORPORATION OF)	
AMERICA AND ITS OFFICERS, et al.,)	
Defendants.)	

By order filed September 2, 2011, the Court reassigned this matter based upon the retirement of the previously assigned judge. (Doc. 40) However, on September 13, 2011, the Court’s order was returned as undeliverable because Plaintiff was not longer at this address.

On December 5, 2011, the Court issued Findings and Recommendations dismissing the matter due to Plaintiff’s failure to keep the Court apprised of his address. (Doc. 41) Though the Court served this order to Plaintiff at the Eloy Detention Center—the same address used to serve the September 2, 2011 order, for whatever reason, this time, the mail was received by Plaintiff.

This situation is inexplicable but it does not appear that Plaintiff played any role in the failure to obtain his mail. The current address for Plaintiff is the same address he provided on June 30, 2011. (Doc. 38) Therefore, good cause appearing, the Court ORDER the December 5, 2011 Findings and Recommendations to be **WITHDRAWN**.

The Court will issue a decision on Defendant Morris’ motion to dismiss (Doc. 23) as soon as

1 possible.

2 IT IS SO ORDERED.

3 Dated: December 20, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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