

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

ERNEST REYES PLACENCIO,

Plaintiff,

vs.

1: 09 CV 01483 AWI YNP GSA (PC)

ORDER VACATING FINDINGS
AND RECOMMENDATIONS

JAMES YATES, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983.

On January 6, 2010, an order was entered, dismissing the original complaint and granting Plaintiff leave to file an amended complaint. Plaintiff failed to do so, and on February 8, 2010, a recommendation of dismissal was entered. On February 22, 2010, Plaintiff filed a first amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. The February 8, 2010, recommendation of dismissal is vacated.
2. This action proceeds on the February 22, 2010, first amended complaint.

IT IS SO ORDERED.

Dated: March 4, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE