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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRUCE PATRICK HANEY,

Plaintiff,

v.

B. SANDERS, et al.,

Defendants.

CASE NO. 1:09-CV-01798-AWI-DLB PC

ORDER VACATING FINDINGS AND
RECOMMENDATION

(DOC. 9)

AMENDED COMPLAINT DUE WITHIN
THIRTY DAYS

_____ /

Plaintiff Bruce Patrick Haney (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se and in forma pauperis in this civil rights action. On October 13, 2009, Plaintiff filed his original complaint. (Doc. 1.) On December 3, 2009, the Court dismissed Plaintiff’s complaint for failure to state a claim, with leave to amend within thirty days. (Doc. 8.) Plaintiff did not comply, and on June 17, 2010, the Court issued a Findings and Recommendation to dismiss this action for failure to obey a court order and failure to state a claim. (Doc. 9.) On July 9, 2010, Plaintiff filed his objections. (Doc. 10.)

Plaintiff contends that on December 23, 2009, during a cell search, Plaintiff’s complaint went missing. Plaintiff believed that because the Court would not provide a copy of Plaintiff’s complaint without payment, Plaintiff let the deadline elapse. Plaintiff assumed that this action had already been dismissed. Plaintiff requests a free copy of his original complaint and time to file an amended complaint.

1 The Court will grant Plaintiff additional time to file his amended complaint, as he has
2 presented sufficient good cause for an extension of time. However, Plaintiff will not be provided
3 a free copy of his complaint. (First Informational Order ¶ 3, Doc 4.)

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. The Court's Findings and Recommendation, filed June 17, 2010, is VACATED;
- 6 2. Plaintiff is granted thirty days from the date of service of this order in which to
7 file his amended complaint; and
- 8 3. Plaintiff's request for a free copy of his original complaint is denied.

9 IT IS SO ORDERED.

10 **Dated: October 25, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE