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

ANTHONEY LYNCH,

Plaintiff,

vs.

WARDEN OF PLEASANT VALLEY
STATE PRISON, et al.,

Defendants.

1:09-cv-02097-AWI-GSA-PC

ORDER VACATING FINDINGS
AND RECOMMENDATIONS OF
OCTOBER 11, 2012
(Doc. 37.)

Plaintiff is a state prisoner proceeding with a civil rights action pursuant to 42 U.S.C. § 1983. On October 11, 2012, the undersigned issued findings and recommendations to dismiss this action for failure to state a claim, based on plaintiff's failure to obey a court order requiring him to file a Second Amended Complaint. (Doc. 11.) On October 15, 2012, Plaintiff filed a Second Amended Complaint. (Doc. 38.) In light of the filing of Plaintiff's Second Amended Complaint, and good cause appearing, the court shall vacate the findings and recommendations.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations of October 11, 2012 are VACATED; and
2. Plaintiff's Second Amended Complaint shall be screened in due time.

IT IS SO ORDERED.

Dated: October 17, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE