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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ROBERT MCDANIEL,

12 Plaintiff,

13 vs.

14 FRANK X. CHAVEZ, et al.,

15 Defendants.  
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1:10-cv-01077-LJO-GSA-PC

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS OF MAY 23,  
2014  
(Doc. 13.)

THIRTY DAY DEADLINE FOR  
PLAINTIFF TO FILE AMENDED  
COMPLAINT

18 Robert McDaniel ("Plaintiff") is a former state prisoner proceeding pro se in this civil  
19 rights action pursuant to 42 U.S.C. § 1983.

20 On May 23, 2014, the undersigned issued findings and recommendations to dismiss this  
21 action for Plaintiff's failure to obey the court's order of April 3, 2014, which required him to  
22 either file an amended complaint or notify the court that he is willing to proceed with the claims  
23 found cognizable by the court. (Doc. 13.) On June 23, 2014, Plaintiff filed objections to the  
24 findings and recommendations. (Doc. 14.)

25 Plaintiff states that he did not timely comply with the court's order because he only  
26 received it on or about June 13, 2014, due to delays in mail service. Plaintiff asserts that he  
27 wishes to prosecute this case and intends to file an amended complaint. Plaintiff requests an  
28 extension of time to do so.

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In light of Plaintiff’s objections and his request for extension of time, and good cause appearing, the court shall vacate the findings and recommendations and grant Plaintiff an extension of time to file an amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations of May 23, 2014 are VACATED;
- 2. Plaintiff is granted an extension of time until thirty days from the date of service of this order, in which to file an amended complaint pursuant to the court’s order of April 3, 2014;
- 3. Should Plaintiff require further extension of time, he should file a motion before the expiration of the existing deadline; and
- 4. Plaintiff’s failure to comply with this order shall result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: July 18, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE