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

ALLEN FOSTER,  
Plaintiff,  
vs.  
DR. BHAMBI, M.D., et al.,  
Defendants.

1:10-cv-01288-AWI-GSA-PC

ORDER VACATING FINDINGS  
AND RECOMMENDATIONS OF  
JANUARY 5, 2012  
(Doc. 11.)

ORDER GRANTING EXTENSION OF  
TIME TO FILE AMENDED  
COMPLAINT

THIRTY DAY DEADLINE

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On January 5, 2012, the undersigned issued findings and recommendations to dismiss this action for failure to state a claim, based on plaintiff's failure to file an amended complaint in compliance with the court's order of November 30, 2011. (Doc. 11.) On January 19, 2012, Plaintiff filed objections to the findings and recommendations, presenting evidence that he mailed an amended complaint to the court on December 27, 2011. (Doc. 12.)

There is no evidence on the court's record that the court received and filed an amended complaint in this action. However, good cause appearing, the court shall vacate the findings and recommendations and grant plaintiff an extension of time to file the amended complaint.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations of January 5, 2012 are VACATED;
2. Plaintiff is granted an extension of time to file an amended complaint;
3. Within thirty days from the date of service of this order, Plaintiff shall file an amended complaint, in compliance with the Court's order of November 30, 2011; 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: January 23, 2012**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE