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3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
5

6 EMILIO LOPEZ,
7 Plaintiff,

8 v.

9 YATES, et al.,
10 Defendants.
11

1:11cv0107 LJO DLB PC

ORDER VACATING FINDINGS AND
RECOMMENDATIONS
(Document 26)

ORDER DENYING REQUEST FOR
EXTENSION OF TIME AS MOOT
(Document 32)

12 Plaintiff Emiliano Lopez (“Plaintiff”) is a California state prisoner proceeding pro se and in
13 forma pauperis in this civil action pursuant to 42 U.S.C. § 1983.

14 On November 6, 2012, the Court issued an order dismissing Plaintiff’s complaint with leave
15 to amend. Plaintiff was afforded thirty (30) days to file a Second Amended Complaint.

16 On December 17, 2012, after the time had passed and Plaintiff failed to file an amended
17 complaint, the Court issued Findings and Recommendations that this action be dismissed for
18 Plaintiff’s failure to follow a Court order.

19 Plaintiff was given two extensions of time within which to file a Second Amended
20 Complaint.

21 On February 25, 2013, Plaintiff filed a timely request for an additional extension of time.
22 Plaintiff also attached his Second Amended Complaint to his request.

23 Accordingly, the Findings and Recommendations issued on December 17, 2012, are
24 VACATED and Plaintiff’s February 25, 2013, request for an extension of time is DENIED AS
25 MOOT.
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The Clerk of Court is DIRECTED to file Plaintiff's Second Amended Complaint, attached to the February 25, 2013, request for an extension of time (pages 6-16), as a separate document.

IT IS SO ORDERED.

Dated: February 26, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE