

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD F. MARTINEZ,

Plaintiff,

vs.

KATHLEEN ALLISON, Warden, *et al.*,

Defendants.

Case No. 1:11-cv-001749-RRB

**ORDER VACATING
DISMISSAL ORDER**

At **Docket 92** Plaintiff Ronald F. Martinez has timely moved the Court to vacate the Order and Judgment dismissing his action for failure to prosecute.¹ This Court may grant a party relief from a judgment for “mistake, inadvertence, surprise, or excusable neglect,” or “any other reason that justifies relief.”² In his motion Plaintiff establishes that the return of the mail sent to Martinez was the result of an error on the part of the prison officials, not Martinez. As a result, the Dismissal Order, based upon an apparent failure to keep the Court apprised on his current address, was improvidently entered.

Accordingly, the Dismissal Order and Judgment thereon entered herein on June 17, 2015, at **Dockets 90** and **91** are hereby **VACATED**.

IT IS SO ORDERED this 7th day of July, 2015.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

¹ Dockets 90, 91.

² Fed. R. Civ. P. 60(b).