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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBIN GILLEN STARR,

1:11-cv-02108-AWI-GSA-PC

Plaintiff,

ORDER VACATING FINDINGS AND
RECOMMENDATIONS
(Doc. 42.)

vs.

CDCR,

ORDER FOR PLAINTIFF TO FILE FIRST
AMENDED COMPLAINT WITHIN THIRTY
DAYS, OR CASE WILL PROCEED ON
ORIGINAL COMPLAINT

Defendant.

_____ /

Robin Gillen Starr (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On September 25, 2012, the Court entered findings and recommendations, recommending that this case be dismissed based on Plaintiff’s failure to obey a court order granting him thirty days to file a First Amended Complaint. (Doc. 42.) On October 5, 2012, Plaintiff filed objections to the findings and recommendations, indicating that he wishes to proceed with this case. (Doc. 46.) Therefore, the Court shall vacate the findings and recommendations and allow Plaintiff another opportunity to file a First Amended Complaint.

Based on the foregoing, IT IS HEREBY ORDERED that:

- 1. The Court’s findings and recommendations, entered on September 25, 2012, are VACATED;

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- 2. Plaintiff is granted thirty days from the date of service of this order in which to file a First Amended Complaint, pursuant to the Court’s order of June 26, 2012; and
- 3. If Plaintiff fails to file a First Amended Complaint within thirty days in response to this order, this action shall proceed on Plaintiff’s original Complaint filed on December 22, 2011.

IT IS SO ORDERED.

Dated: October 9, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE