

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH RAYMOND McCOY,

CASE NO. 1:12-cv-00983-AWI-GBC (PC)

Plaintiff,

ORDER VACATING FINDINGS AND
RECOMMENDATIONS TO DISMISS FOR
FAILURE TO PROSECUTE

v.

J. CLARK KELSO, et al.,

Doc. 7

Defendants.

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On June 19, 2012, Plaintiff Joseph Raymond McCoy (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. Doc. 1. On June 19, 2012, the Court ordered Plaintiff to either consent to or decline Magistrate Judge jurisdiction within thirty days. Doc. 2. Plaintiff failed to comply, and on August 6, 2012, the Court issued a second order requiring Plaintiff to file a response within thirty days. Doc. 4.

On September 18, 2012, the Court issued Findings and Recommendations, recommending that this action be dismissed, without prejudice, based on Plaintiff’s failure to prosecute. Doc. 7. On October 29, 2012, Plaintiff returned the consent or decline form, declining Magistrate Judge jurisdiction. Doc. 10. The Court HEREBY VACATES the Findings and Recommendations issued September 18, 2012.

IT IS SO ORDERED.

Dated: November 6, 2012


UNITED STATES MAGISTRATE JUDGE