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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

COLUMBUS ALLEN, JR.)	Case No.: 1:13-cv-00012-AWI-SAB (PC)
)	
Plaintiff,)	ORDER VACATING FINDINGS AND
)	RECOMMENDATIONS ISSUED NOVEMBER 3,
v.)	2014, AND DISCHARGING ORDER TO SHOW
)	CAUSE
STANISLAUS COUNTY, et al.,)	
)	[ECF Nos. 29, 35, 36]
Defendants.)	
)	
)	

Plaintiff Columbus Allen, Jr. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 29, 2014, Defendants filed a motion to dismiss the instant complaint. Plaintiff failed to file an opposition or statement of opposition pursuant to Local Rule 230(1). Accordingly, on September 25, 2014, the Court ordered Plaintiff to show cause within thirty days as to why the action should not be dismissed for Plaintiff's failure to prosecute the action.

On November 3, 2014, the undersigned issued a Findings and Recommendation to dismiss the action based on Plaintiff's failure to prosecute. However, on this same date, Plaintiff filed a response to the Court's September 25, 2014, order to show cause.

Accordingly, in light of Plaintiff's response to the Court's order to show cause, the Court will vacate the Findings and Recommendations issued November 3, 2014, and discharge the pending order to show cause.

1 In addition, the Court has reviewed Plaintiff's response to the order to show cause and will
2 construe it as, not only a response to the order to show cause, but also an opposition to Defendants'
3 motion to dismiss. Thus, any reply by Defendants is due in accordance with the applicable rules
4 deadline set forth in Local Rule 230(1).

5 Based on the foregoing,

6 IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendation issued November 3, 2014, is VACATED;
- 8 2. The Order to Show Cause issued September 25, 2014, is DISCHARGED; and
- 9 3. Plaintiff's response to the Order to Show Cause is construed as an Opposition to
10 Defendants' pending motion to dismiss.

11
12 IT IS SO ORDERED.

13 Dated: November 4, 2014



UNITED STATES MAGISTRATE JUDGE