

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIC WATKINS,

Plaintiff,

VS.

T. KENWORTHY, et al.,

## Defendants

Case No. 1:14 cv 00672 LJO GSA PC

## ORDER VACATING FINDINGS AND RECOMMENDATION

(ECF NO. 17)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). Pending before the Court is Defendants' motion for summary judgment. Plaintiff has opposed the motion.

On September 5, 2014, an order was entered, dismissing the complaint and granting Plaintiff leave to file an amended complaint within thirty days. Plaintiff failed to do so and on October 17, 2014, a recommendation of dismissal was entered. On the same date, Plaintiff filed a first amended complaint in compliance with the order of September 5, 2014.

Accordingly, IT IS HEREBY ORDERED that the October 17, 2014, recommendation is vacated.

IT IS SO ORDERED.

Dated: **November 19, 2014**

**/s/ Gary S. Austin**

UNITED STATES MAGISTRATE JUDGE

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