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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA
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7 ERIC WATKINS,

8 Plaintiff,

9 vs.

10 T. KENWORTHY, et al.,

11 Defendants

Case No. 1:14 cv 00672 LJO GSA PC

ORDER VACATING FINDINGS
AND RECOMMENDATION

(ECF NO. 17)

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13 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights
14 action pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule
15 302 pursuant to 28 U.S.C. § 636(b)(1). Pending before the Court is Defendants' motion for
16 summary judgment. Plaintiff has opposed the motion.

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

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

23 IT IS SO ORDERED.
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25 Dated: November 19, 2014

26 /s/ Gary S. Austin

27 UNITED STATES MAGISTRATE JUDGE
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