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7		N DISTRICT COLIDT
8	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA	
9 10	EASTERN DISTR.	ICT OF CALIFORNIA
10	MONTE WEATHERINGTON,	Case No. 1:14-cv-0906 AWI DLB PC
11	Plaintiff,	ORDER VACATING FINDINGS AND
12	V.	RECOMMENDATION REGARDING DISMISSAL OF ACTION FOR FAILURE TO
13	S. RIOS, et al.,	STATE A CLAIM FOR RELIEF
15	Defendants.	
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17	Plaintiff Monte Weatherington, ("Plaintiff"), a state prisoner proceeding pro se and in forma	
18	pauperis, filed this civil rights action on June 12, 2014. On March 16, 2015, the Court screened the	
19	complaint and determined Plaintiff stated a cognizable claim under the Fourth Amendment against	
20	Defendant Arranquin. The Court found no other cognizable claims. Plaintiff was given the option to	
21	proceed on his cognizable claim or file a First Amended Complaint ("FAC"). Plaintiff elected to file	
22	a FAC and did so on June 1, 2015.	
23	On April 27, 2016, the Court screened the complaint and found it failed to state a cognizable	
24	claim for relief. Plaintiff was directed to file a Second Amended Complaint within thirty days. Over	
25	thirty days passed and Plaintiff failed to comply. Accordingly, on June 2, 2016, the Court issued a	
26	Findings and Recommendation which recommended the action be dismissed for failure to state a	
27	claim for relief.	
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1	On June 6, 2016, Plaintiff filed a Second Amended Complaint. In light of this filing, IT IS HEREBY ORDERED that the Findings and Recommendation issued June 2, 2016, is VACATED.	
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3	TIERED I ORDERED that the Findings and	recommendation issued june 2, 2010, is vacated.
4	IT IS SO ORDERED.	
5	Dated:	1s/ Dennis L. Beck
6	Dated	UNITED STATES MAGISTRATE JUDGE
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