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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONTE WEATHERINGTON,

 Plaintiff,

 v.

S. RIOS, et al.,

 Defendants.

Case No. 1:14-cv-0906 AWI DLB PC

**ORDER VACATING FINDINGS AND
RECOMMENDATION REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
STATE A CLAIM FOR RELIEF**

Plaintiff Monte Weatherington, (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on June 12, 2014. On March 16, 2015, the Court screened the complaint and determined Plaintiff stated a cognizable claim under the Fourth Amendment against Defendant Arranquin. The Court found no other cognizable claims. Plaintiff was given the option to proceed on his cognizable claim or file a First Amended Complaint (“FAC”). Plaintiff elected to file a FAC and did so on June 1, 2015.

On April 27, 2016, the Court screened the complaint and found it failed to state a cognizable claim for relief. Plaintiff was directed to file a Second Amended Complaint within thirty days. Over thirty days passed and Plaintiff failed to comply. Accordingly, on June 2, 2016, the Court issued a Findings and Recommendation which recommended the action be dismissed for failure to state a claim for relief.

