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

ARCHIE CRANFORD,)	Case No.: 1:14-cv-01037-LJO-SAB (PC)
Plaintiff,)	
v.)	ORDER VACATING FINDINGS AND RECOMMENDATIONS RECOMMENDING DISMISSAL OF ACTION FOR FAILURE TO COMPLY WITH A COURT ORDER
DHORLEEN NARCELA, et al.,)	
Defendant.)	[ECF No. 12]
)	
)	
)	

Plaintiff Archie Cranford is a civil detainee proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to California Welfare and Institutions Code § 6600 et seq. are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. Page v. Torrey, 201 F.3d 1136, 1140 (9th Cir. 2000).

On October 31, 2014, the Court dismissed Plaintiff's first amended complaint with leave to amend for failure to state a cognizable claim for relief, and Plaintiff was granted thirty days to file a second amended complaint. (ECF No. 9.) After the thirty day time period passed and Plaintiff failed to file an amended complaint, the undersigned issued a Findings and Recommendation to dismiss the action on December 31, 2014. (ECF No. 11.) The Findings and Recommendation was served on Plaintiff and contained notice that objections were to be filed within thirty days. (Id.)

On January 26, 2015, Plaintiff filed a notice to the Court, in which he elaborates on the claims previously set forth in his complaint. The attached proof of service references the notice as an

1 “amended complaint.” Accordingly, in the interest of justice, the Court will vacate the Findings and
2 Recommendation issued December 31, 2014, for failure to file an amended complaint, and the Court
3 will construe Plaintiff’s notice filed January 26, 2015, as the second amended complaint.

4 Based on the foregoing, IT IS HEREBY ORDERED that the Findings and Recommendation
5 issued December 31, 2014, are VACATED.

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7 IT IS SO ORDERED.

8 Dated: February 23, 2015


UNITED STATES MAGISTRATE JUDGE

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