UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JEROME LEE CROSS, Plaintiff, v. KINGS COUNTY DISTRICT ATTORNEY'S OFFICE, et al., Defendants.	Case No.: 1:14-cv-01073-AWI-SAB (PC) ORDER VACATING FINDINGS AND RECOMMENDATIONS ISSUED FEBRUARY 18, 2015, AND DIRECTING CLERK OF COURT TO FILE THIRD AMENDED COMPLAINT LODGED ON MARCH 4, 2015 [ECF Nos. 17, 20]

Plaintiff Jerome Lee Cross is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 30, 2014, the Court dismissed Plaintiff's second amended complaint for failure to state a cognizable claim under section 1983 and granted Plaintiff one final opportunity to further amend within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). After the thirty day time frame expired and Plaintiff failed to respond to the Court's order, Findings and Recommendations were issued recommending dismissal of the action. (ECF No. 17.)

On March 4, 2015, Plaintiff filed objections to the Findings and Recommendations, along with a third amended complaint which was lodged by the Court. (ECF Nos. 18, 20.) In the interest of justice, the Court will vacate the Findings and Recommendations issued February 18, 2015, and order the third amended complaint to be filed by the Clerk of the Court. In a separate order issued concurrently herewith, the Court will screen the third amended complaint pursuant to 28 U.S.C. § 1915A.

Based on the foregoing, it is HEREBY ORDERED that:

1. The Findings and Recommendations issued February 18, 2015 (ECF No. 17), are VACATED; and

2. The Clerk of Court is directed to file the third amended complaint lodged on March 4, 2015 (ECF No. 20).

IT IS SO ORDERED.

Dated: **March 31, 2015**

UNITED STATES MAGISTRATE JUDGE