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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 BRUCE BERNA,

12 Plaintiff,

13 v.

14 DEPARTMENT OF JUSTICE BUREAU OF
15 FIREARMS, et al.,

16 Defendants.

Case No. 1:14-cv-01972-JAM-SAB

ORDER VACATING FINDINGS AND
RECOMMENDATIONS

ECF NO. 9

17
18 On February 24, 2015, the Court dismissed the First Amended Complaint in this action
19 with leave to amend. (ECF No. 6.) Plaintiff's amended complaint was due within thirty days.
20 Plaintiff Bruce Berna ("Plaintiff") did not file an amended complaint.

21 On March 31, 2015, the Court issued a findings and recommendations recommending
22 that this action be dismissed. (ECF No. 9.) On April 10, 2015, Plaintiff filed objections to the
23 findings and recommendations informing the Court that he did not file a timely amended
24 complaint because he did not receive the February 24 order dismissing the First Amended
25 Complaint with leave to amend. (ECF No. 10.)

26 Based upon Plaintiff's representations, the Court will vacate and withdraw the March 31,
27 2015 Findings and Recommendations and grant Plaintiff additional time to file an amended
28 complaint.

1 Plaintiff's objections also asks the Court for help obtaining certain documents related to
2 his lawsuit, such as the Department of Justice's policies and procedures for searches and
3 seizures. The Court does not have access to these documents. Accordingly, Plaintiff's request
4 that the Court send him copies will be denied.

5 Based upon the foregoing, it is HEREBY ORDERED that:

- 6 1. The March 31, 2015 Findings and Recommendations are VACATED AND
7 WITHDRAWN (ECF No. 9);
- 8 2. The Clerk of the Court is directed to send Plaintiff a copy of the Court's February
9 24, 2015 Order Dismissing Complaint, With Leave to Amend Within Thirty (30)
10 Days;
- 11 3. Plaintiff shall file an amended complaint on or before May 18, 2015. Plaintiff's
12 amended complaint must be received by the Court on or before May 18, 2015.
13 Plaintiff is forewarned that failure to file a timely amended complaint will result
14 in a recommendation that this action be dismissed; and
- 15 4. Plaintiff's request for copies of documents is DENIED.

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17 IT IS SO ORDERED.

18 Dated: April 13, 2015


UNITED STATES MAGISTRATE JUDGE