

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ARCHIE CRANFORD,

12 Plaintiff,

13 vs.

14 A. KING, et al.,

15 Defendants.
16
17
18

1:15-cv-00024-AWI-GSA-PC

ORDER VACATING FINDINGS AND
RECOMMENDATIONS ENTERED ON
JULY 7, 2015
(ECF No. 11.)

THIRTY DAY DEADLINE TO FILE
AMENDED COMPLAINT

19 **I. BACKGROUND**

20 Archie Cranford ("Plaintiff") is a civil detainee proceeding pro se in this civil rights
21 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
22 January 7, 2015. (ECF No. 1.)

23 On July 7, 2015, the court entered findings and recommendations to dismiss this case
24 for Plaintiff's failure to state a claim, based on Plaintiff's failure to file an amended complaint
25 pursuant to the court's order of May 27, 2015. (ECF No. 11.) On July 30, 2015, Plaintiff filed
26 objections to the findings and recommendations. (ECF No. 12.) Plaintiff claims that on May
27 29, 2015, he received the court's May 27, 2015 order and submitted an amended complaint to
28 the court two days later.

1 **II. DISCUSSION**

2 Plaintiff claims that he sent the amended complaint from Coalinga State Hospital on
3 May 31, 2015. However, there is no evidence on the court's record that the court received the
4 amended complaint. Therefore, good cause appearing, the court shall vacate the findings and
5 recommendations of July 7, 215 and allow Plaintiff thirty days in which to re-submit the
6 amended complaint.

7 **III. CONCLUSION**

8 In light of the foregoing, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations entered on July 7, 2015, are VACATED;
10 2. Plaintiff is GRANTED thirty days from the date of service of this order in which
11 to file an amended complaint pursuant to the court's order of May 27, 2015; and
12 3. Plaintiff's failure to comply with this order shall result in the dismissal of this
13 action, with prejudice, for failure to state a claim.

14
15 IT IS SO ORDERED.

16 Dated: August 4, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

17
18
19
20
21
22
23
24
25
26
27
28