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4 **UNITED STATES DISTRICT COURT**

5 EASTERN DISTRICT OF CALIFORNIA

6 KRZYSZTOF WOLINSKI,

7 Plaintiff,

8 v.

9 N. ACOSTA, et al.,

10 Defendants.

Case No. 1:15-cv-00519-LJO-SAB-PC

ORDER VACTING FINDINGS AND  
RECOMMENDATIONS  
(ECF No. 15)

ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE AN  
AMENDED COMPLAINT  
(ECF No. 16)

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13 On September 1, 2015, an order was entered, dismissing the complaint in this action for  
14 failure to state a claim and granting Plaintiff leave to file an amended complaint. (ECF No. 14.)  
15 Since the Plaintiff failed to amend with the time frame ordered on October 19, 2015, findings  
16 and recommendations were issued recommending that this action be dismissed. (ECF No. 15.)  
17 On November 5, 2015, Plaintiff filed a motion for leave to file an amended complaint. (ECF No.  
18 16.) On November 6, 2015, Plaintiff filed a first amended complaint. Good cause appearing, IT  
19 IS HEREBY ORDERED that:

- 20 1. The October 19, 2015, recommendation of dismissal is vacated; and  
21 2. Plaintiff's motion for leave to file an amended complaint is granted. This action  
22 proceeds on the November 6, 2015, first amended complaint.

23 IT IS SO ORDERED.

24 Dated: November 19, 2015

25   
26 UNITED STATES MAGISTRATE JUDGE