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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 AMIR SHABAZZ,

12 Plaintiff,

13 vs.

14 JEFFERY A. BEARD, et al.,

15 Defendants.
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1:15-cv-00881-DAD-EPG-PC

ORDER VACATING FINDINGS AND
RECOMMENDATIONS ENTERED ON
AUGUST 30, 2016
(ECF No. 20.)

17 **I. BACKGROUND**

18 Amir Shabazz (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action
19 pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on October
20 6, 2014. (ECF No. 1.)

21 On July 30, 2015, Plaintiff filed the First Amended Complaint. (ECF No. 13.) On
22 August 18, 2016, the Court screened the First Amended Complaint and issued an order
23 dismissing the First Amended Complaint with leave to file a Second Amended Complaint
24 within thirty days. (ECF No. 19.)

25 On August 30, 2016, the Court entered findings and recommendations, recommending
26 that this action be dismissed, with prejudice, for Plaintiff’s failure to state a claim. (ECF No.
27 20.) Plaintiff was granted thirty days in which file objections to the findings and
28 recommendations. These findings and recommendations were entered in error and shall be

1 vacated from the record. Plaintiff is not required to file any objections to accomplish this
2 result.

3 Plaintiff is advised that the Court's August 18, 2016 order remains in effect. (ECF No.
4 19.) Pursuant to that order, Plaintiff has leave to file a Second Amended Complaint not
5 exceeding twenty-five pages within thirty days after August 18, 2016. Plaintiff should review
6 the August 18, 2016 order for instructions and guidance.

7 **II. CONCLUSION**

8 Accordingly, based on the foregoing and good cause appearing, IT IS HEREBY
9 ORDERED that:

- 10 1. The findings and recommendations entered on August 30, 2016, are
11 VACATED;
- 12 2. The Court's order issued on August 18, 2016, remains in effect; and
- 13 3. Pursuant to the Court's order issued on August 18, 2016, Plaintiff has leave to
14 file a Second Amended Complaint within thirty days after August 18, 2016.

15 IT IS SO ORDERED.

16 Dated: August 31, 2016

17 /s/ Eric P. Groj
18 UNITED STATES MAGISTRATE JUDGE