

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAMAR JOHNSON,)	1:15-CV-01338 LJO DLB PC
)	
Plaintiff,)	ORDER VACATING FINDINGS AND
)	RECOMMENDATION TO DISMISS
vs.)	ACTION FOR FAILURE TO STATE A
)	CLAIM
)	
NORM KRAMER, et al.,)	
)	
Defendants.)	

Plaintiff Lamar Johnson (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action.

On January 8, 2015, Plaintiffs William Stafford and Lamar Johnson filed a civil rights action in case number 1:15-cv-00038 LJO DLB PC. On September 2, 2015, the Court screened the complaint and issued an order dismissing the complaint, severing Plaintiffs’ claims, and directing the Clerk’s Office to open a new action for Plaintiff Johnson. On that same date, the Clerk’s Office opened the instant case with Plaintiff Johnson as the sole plaintiff. Plaintiff was directed to file an amended complaint within thirty days of the date of service of the order. Over thirty days passed and Plaintiff failed to file an amended complaint. In the Court’s order directing Plaintiff to file an amended complaint, the Court expressly stated: “If a Plaintiff fails to file an amended complaint in compliance with this order, his action will be dismissed, with prejudice, for failure to state a claim.”

1 Therefore, on October 7, 2015, the Court issued a Findings and Recommendation to
2 dismiss the action for failure to state a claim. Plaintiff was granted fourteen days to file
3 objections.

4 On October 13, 2015, Plaintiff filed a First Amended Complaint in compliance with the
5 Court's previous order.

6 Accordingly, IT IS HEREBY ORDERED that the Findings and Recommendation issued
7 on October 7, 2015, is VACATED. The First Amended Complaint will be screened in due
8 course.

9
10 IT IS SO ORDERED.

11
12 Dated: October 27, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE