2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 LORENZO DARNELL HUTSON, Case No.: 1:16-cv-00012-DAD-SAB (PC) 12 Plaintiff, ORDER VACATING FINDINGS AND RECOMMENDATIONS AND DIRECTING 13 v. PLAINTIFF TO FILE AN AMENDED COMPLAINT WITHIN THIRTY DAYS 14 MICHAEL BAEZ, et al., [ECF Nos. 17 & 20] 15 Defendants. 16 17 18 19 January 15, 2016. (ECF No. 9.) 20

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Plaintiff Lorenzo Darnell Hutson is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff declined United States magistrate judge jurisdiction on

On March 17, 2016, the Court dismissed Plaintiff's complaint for failure to state a claim under section 1983 and ordered Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff was granted an additional thirty days to comply on April 12, 2016.

After more than thirty days passed and Plaintiff failed to comply with or otherwise responded to the Court's order, the undersigned issued Findings and Recommendations recommending dismissal of the action. (ECF No. 17.) On June 29, 2016, Plaintiff filed objections to the Findings and Recommendations. In his objections, Plaintiff states that on February 10, 2016, he was sent to the California Medical Facility in Vacaville for psychiatric evaluation. When Plaintiff returned to

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Corcoran State Prison on March 3, 2016, he had to undergo the orientation process and, on March 10, 2016, he was transferred to Atascadero State Hospital. On May 27, 2016, Plaintiff was transferred back to Corcoran and had to again undergo the orientation process. Plaintiff contends that from February 10, 2016, to June 4, 2016, Plaintiff had no access to his personal or legal property in order to submit an amended complaint in this action.

In light of the filing and substance of Plaintiff's objections, the Court will vacate the Findings and Recommendation and granted Plaintiff thirty (30) days to file an amended complaint in compliance with the Court's March 17, 2016, order.

Based on the foregoing, it is HEREBY ORDERED that:

- 1. The Findings and Recommendations issued May 26, 2016, is VACATED;
- 2. Plaintiff is granted thirty (30) days from the date of service of this order to file an amended complaint; and
- 3. Failure to comply with this order will result in a recommendation that the action be dismissed for failure to comply with a court order.

IT IS SO ORDERED.

Dated: **July 6, 2016**

UNITED STATES MAGISTRATE JUDGE

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