

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARLOS FRANCISCO LOPEZ,  
Plaintiff,  
v.  
HOLLAND, et al.,  
Defendants.

CASE No. 1:16-cv-0039-AWI-MJS (PC)

**ORDER VACATING FINDINGS &  
RECOMMENDATION AND ORDERING  
PLAINTIFF TO FILE AMENDED  
COMPLAINT**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. On April 1, 2016, Plaintiff's complaint was dismissed for failure to state a claim, and he was granted thirty days to file an amended complaint. (ECF No. 10.) On April 18, 2016, the undersigned granted Plaintiff a 60-day extension of time to file a First Amended Complaint. When Plaintiff failed to file an amended complaint, the undersigned issued Findings and Recommendations recommending that this case be dismissed for failure to comply with a court order and failure to prosecute. Plaintiff has since filed objections.

Good cause appearing, IT IS HEREBY ORDERED that:

1. The July 5, 2016, findings and recommendations (ECF No. 14) are VACATED; and

1           2. Plaintiff is directed to file an amended complaint within thirty days from the  
2           date of this order. Plaintiff is hereby informed that his failure to comply with this  
3           order will result in a renewed recommendation to dismiss this action.

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5           IT IS SO ORDERED.

6           Dated: September 16, 2016

7           \_\_\_\_\_*Michael J. Seng*  
8           UNITED STATES MAGISTRATE JUDGE

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