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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 CARLOS FRANCISCO LOPEZ,

12 Plaintiff,

13 v.

14 HOLLAND, et al.,

15 Defendants.  
16

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

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

**(ECF NO. 14)**

**THIRTY-DAY DEADLINE**

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

26 Good cause appearing, IT IS HEREBY ORDERED that:

- 27 1. The July 5, 2016, findings and recommendations (ECF No. 14) are VACATED;  
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2. Plaintiff is directed to file an amended complaint within thirty days from the date of this order. Plaintiff is hereby informed that his failure to comply with this order will result in a renewed recommendation to dismiss this action.

IT IS SO ORDERED.

Dated: September 16, 2016

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE