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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RICARDO MARTINEZ,)	Case No.: 1:16-cv-00084-LJO-BAM (PC)
Plaintiff,)	
v.)	ORDER VACATING FINDINGS AND
)	RECOMMENDATIONS
D. DAVEY, et al.,)	(ECF No. 17)
Defendants.)	
)	
)	
)	
)	

Plaintiff Ricardo Martinez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff’s action was transferred to this Court on January 20, 2016.

On January 20, 2016, March 7, 2016, and April 20, 2016, the Court ordered Plaintiff to either consent to or decline to Magistrate Judge jurisdiction. (ECF Nos. 12, 14, 15.) Plaintiff failed to comply with those orders. Consequently, on May 17, 2016, the Court issued findings and recommendations recommending dismissal of this action for failure to prosecute and failure to obey a court order. (ECF No. 17.)

On May 31, 2016, Plaintiff filed objections to the findings and recommendations, explaining that he was unable to communicate with the Court for various reasons, including that he was injured and recovering, was in protective custody, and was in the process of being transferred to other

1 institutions. (ECF No. 19.) Plaintiff also filed his form opting to decline to the jurisdiction of a United
2 States Magistrate Judge. (ECF No. 18.)

3 In these circumstances, the Court finds it proper to vacate its findings and recommendations.
4 Plaintiff has sufficiently explained his inability to respond to the Court's prior orders, and is now in
5 compliance.

6 Accordingly, it is HEREBY ORDERED that the Findings and Recommendations issued on
7 May 17, 2016 (ECF No. 17) are VACATED. Plaintiff's complaint will be screened in due course,
8 pursuant to 28 U.S.C. § 1915A(a).

9
10 IT IS SO ORDERED.

11 Dated: June 6, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE