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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDRE LEIVA,
Plaintiff,
v.
W. JACKSON,
Defendant.

1:16-cv-00167-AWI-EPG (PC)
ORDER DIRECTING PLAINTIFF TO FILE
AMENDED COMPLAINT
(ECF NO. 12)
TWENTY-ONE DAY DEADLINE

Andre Leiva (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983. On March 31, 2017, the Court screened Plaintiff’s complaint and found that it failed to state a claim upon which relief could be granted. (ECF No. 10). The Court gave Plaintiff thirty days from the date of service of the screening order to file an amended complaint or to notify the Court that he wanted to stand on his complaint, subject to the Court issuing findings and recommendations consistent with the screening order to the assigned district judge. (Id.). The Court also warned Plaintiff that failure to file an amended complaint or to notify the court that he wanted to stand on his complaint could result in the dismissal of this case. (Id. at p. 6).

The time period expired, and Plaintiff did not file an amended complaint or notify the

1 Court that he wanted to stand on his complaint. Accordingly, the Court issued findings and
2 recommendations, recommending that Plaintiff's case be dismissed, with prejudice, for failure to
3 state a claim, failure to comply with a court order, and failure to prosecute. (ECF No. 11).

4 On June 5, 2017, Plaintiff filed objections to the findings and recommendations. (ECF
5 No. 12). According to Plaintiff, he filed an amended complaint on or around April 25, 2017.
6 (Id.).

7 The Court did not receive Plaintiff's amended complaint. Additionally, Plaintiff did not
8 file a copy of the amended complaint with his objections to the findings and recommendations.

9 Accordingly, the Court will give Plaintiff twenty-one days from the date of service of this
10 order to file his amended complaint. If Plaintiff files his amended complaint within this twenty-
11 one day period, the Court will vacate its findings and recommendations.

12 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff has twenty-one days
13 from the date of service of this order to file his amended complaint.

14 IT IS SO ORDERED.

15 Dated: June 12, 2017

16 /s/ Eric P. Gray
17 UNITED STATES MAGISTRATE JUDGE