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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOHN WILLIAMS,

12 Plaintiff,

13 vs.

14 DAVID DAVEY, et al.,

15 Defendants.
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1:17-cv-00300-DAD-GSA-PC

ORDER VACATING FINDINGS AND
RECOMMENDATIONS ENTERED ON
NOVEMBER 17, 2017
(ECF No. 11.)

ORDER DIRECTING CLERK TO FILE FIRST
AMENDED COMPLAINT LODGED ON
DECEMBER 4, 2017
(ECF No. 12.)

18 John Williams (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
19 with this civil rights action pursuant to 42 U.S.C. § 1983.

20 On November 17, 2017, the undersigned entered findings and recommendations to
21 dismiss this action for failure to state a claim, based on Plaintiff’s failure to file a First
22 Amended Complaint within thirty days, pursuant to the court’s order of October 3, 2017. (ECF
23 No. 11.) Plaintiff was granted fourteen days in which to file objections to the findings and
24 recommendations. On December 4, 2017, Plaintiff lodged his First Amended Complaint.
25 (ECF No. 12.)

26 Plaintiff has not filed objections to the findings and recommendations or explained why
27 his amended complaint is late. Nonetheless, the court shall accept the First Amended
28 Complaint for filing and vacate the findings and recommendations.

1 Accordingly, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations entered on November 17, 2017, are
3 VACATED;
- 4 2. The Clerk is directed to FILE Plaintiff's First Amended Complaint, which was
5 lodged on December 4, 2017;
- 6 3. Plaintiff's First Amended Complaint is deemed timely filed; and
- 7 4. The court shall screen the First Amended Complaint in due time.

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9 IT IS SO ORDERED.

10 Dated: December 7, 2017

/s/ Gary S. Austin
11 UNITED STATES MAGISTRATE JUDGE