

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MOSES FLORES,

CASE NO. 1:17-cv-00326 AWI-BAM

Plaintiff,

ORDER VACATING FINDINGS AND
RECOMMENDATIONS OF APRIL 24, 2017
(Docs. 6, 9)

WESPAK.

Defendant.

1

Plaintiff Moses Flores (“Plaintiff”) is a Nevada state prisoner proceeding pro se and seeking relief pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.

On April 24, 2017, the Court issued Findings and Recommendations to dismiss this action for Plaintiff's failure to obey the Court's order which required him to complete and return a prisoner application to proceed in forma pauperis to the Court, on or before April 13, 2017. (Doc. 2). On April 28, 2017, Plaintiff submitted an application to proceed in forma pauperis. (Doc. 7). On May 15, 2017, Plaintiff filed objections to the Findings and Recommendations explaining his untimely application.

In light of Plaintiff's objections, his submission of the application, and good cause appearing, the Court shall VACATE the Findings and Recommendations.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations of April 24, 2017 are VACATED; and
2. The Court will address Plaintiff's Application to Proceed Informa Pauperis in a separate order.

IT IS SO ORDERED

Dated: **May 18, 2017**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE