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

DANIEL HERRERA et al.,)	Case No.: 1:17-cv-0386-AWI-BAM
)	
Plaintiff,)	ORDER VACATING FINDINGS AND
)	RECOMMENDATIONS OF AUGUST 2, 2017
v.)	
)	
CALIFORNIA STATE SUPERIOR COURT,)	(Doc. 4)
<i>et al.</i> ,)	
)	
Defendants.)	
)	

Plaintiff Daniel Herrera (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On August 2, 2017, the Court issued Findings and Recommendations to dismiss this action for Plaintiff’s failure to keep the Court apprised of his address and for failure to prosecute. (Doc. 4).

On August 14, 2017, Plaintiff filed objections to the Findings and Recommendations. Plaintiff does not explain why he failed to notify the Court of his change of address but he instead asks that his case be allowed to proceed. (Doc. 6).

In light of Plaintiff’s objections and because it appears that the Court’s orders to Plaintiff are no longer undeliverable, the Court finds it proper to VACATE its Findings and Recommendations.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations of August 4, 2017 are VACATED;

1 2. The Court will address the pending Motion/Request by a Named Plaintiff to become
2 Primary Litigant in a separate order; (Doc. 5) and

3 3. Plaintiff is advised that the Court is required to screen complaints of pro se litigants
4 pursuant to Title 28 of the United States Code section 1915A(a). The Court must dismiss a complaint
5 or portion thereof if the litigant has raised claims that are legally “frivolous or malicious,” that fail to
6 state a claim upon which relief may be granted, or that seek monetary relief from a defendant(s) who
7 is immune from such relief. 28 U.S.C. § 1915A(b)(1)&(2). As a result, summonses will not issue at
8 this time. The Court will direct the United States Marshal to serve Plaintiff’s complaint only after the
9 Court has screened the complaint and determined that it contains cognizable claims for relief against
10 the named defendants. The Court has a large number of such cases pending before it and will screen
11 Plaintiff’s complaint in due course.

12
13 IT IS SO ORDERED.

14 Dated: October 17, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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