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

ROGELIO MAY RUIZ,)	Case No. 1:17-cv-01454-DAD-SAB (PC)
Plaintiff,)	
v.)	ORDER VACATING FEBRUARY 20, 2018
)	FINDINGS AND RECOMMENDATIONS
J. CURRY,)	[ECF Nos. 12, 14]
Defendant.)	
)	
)	
)	

Plaintiff Rogelio May Ruiz is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 10, 2018, the Court found that Plaintiff’s complaint failed to state a cognizable claim for relief, and granted Plaintiff leave to file an amended complaint within thirty days. (ECF No. 11.) Plaintiff was warned that if he failed to comply, the Court would recommend that the action be dismissed for failure to state a cognizable claim for relief. (Id.)

Plaintiff did not file an amended complaint. Therefore, on February 20, 2018, the undersigned issued Findings and Recommendations recommending dismissal of the action for failure to state a cognizable claim and failure to comply with court order. (ECF No. 12.)

On March 2, 2018, Plaintiff filed a first amended complaint. (ECF No. 13.) Then, on March 6, 2018, Plaintiff filed objections to the Findings and Recommendations. (ECF No. 14.)

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In light of the fact that Plaintiff has now filed an amended complaint, albeit untimely, in the interest of justice the Court will vacate the Findings and Recommendations and screen the amended complaint pursuant to 28 U.S.C. § 1915A in due course.

Accordingly, it is HEREBY ORDERED that the February 20, 2018 (ECF No. 12) Findings and Recommendations are VACATED.

IT IS SO ORDERED.

Dated: March 8, 2018


UNITED STATES MAGISTRATE JUDGE