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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST S. HARRIS,
Plaintiff,
v.
SEXTON, et al.,
Defendants.

No. 1:18-cv-0080 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants’ use of the Guard One security check system violated his Eighth Amendment rights. On July 5, 2023, this court ordered plaintiff to file a renewed motion to amend his second amended complaint within thirty days. Thirty days have passed and plaintiff has not filed a renewed motion or otherwise responded to the court’s July 5 order. Since plaintiff has failed to comply with the court’s order despite ample opportunity to do so, this court will not further delay these proceedings. The case will proceed on plaintiff’s second amended complaint filed February 2, 2019 (ECF No. 42), as supplemented with plaintiff’s Eighth and First Amendment claims against defendant Flores (see Jan. 17, 2023 Order (ECF No. 100)).

On September 8, 2023, this court ordered defendant Flores to answer the complaint. Counsel for the other defendants has notified the court that defendant Flores has not yet been

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1 served. Accordingly, this court will vacate the September 8 order and, by separate order, orders
2 service of the second amended complaint, as supplemented, on defendant Flores.

3 For the foregoing reasons, IT IS HEREBY ORDERED that the September 8, 2023 order
4 (ECF No. 108) is vacated.

5 Dated: September 18, 2023

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE
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