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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JAMES TROTTER,	Case No. 1:18-cv-00259-LJO-BAM (PC)
12	Plaintiff,	ORDER VACATING FINDINGS AND
13	v.	RECOMMENDATIONS REGARDING DISMISSAL OF ACTION FOR FAILURE TO
14	WARDEN PFEIFFER, et al.,	PROSECUTE
15	Defendants.	(ECF No. 47)
16		
17	Plaintiff James Trotter is a state prisoner currently proceeding pro se and in forma	
18	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on	
19	January 22, 2018. (ECF No. 1.)	
20	On March 22, 2019, the Court screened Plaintiff's complaint and granted Plaintiff leave to	
21	file a first amended complaint. (ECF No. 24.)	
22	On April 15, 2019, Plaintiff filed a first amended complaint. (ECF No. 27.)	
23	On July 3, 2019, the Court issued a screening order finding that Plaintiff's first amended	
24	complaint fails to comply with Federal Rule of Civil Procedure 8 and fails to state any cognizable	
25	claim for relief. (ECF No. 37.) The Court granted Plaintiff thirty days to either file a second	
26	amended complaint or a notice of voluntary dismissal. ( <u>Id.</u> at 15-16.)	
27	On August 1, 2019, the Court issued an order denying Plaintiff's motion for new trial,	
28	review of evidence, immediate release, restoration of bail, and appointment of counsel. (ECF No.	
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1	41.)	
2	On August 9, 2019, the Court issued an order denying Plaintiff's motion for new trial,	
3	review of evidence, resentencing, and appointment of counsel. (ECF No. 43.)	
4	Also, on August 9, 2019, Plaintiff filed a motion for an extension of time to file a second	
5	amended complaint. (ECF No. 44.)	
6	On August 13, 2019, the Court issued an order granting Plaintiff's motion for an extension	
7	of time to file a second amended complaint and denying, without prejudice, Plaintiff's motion for	
8	appointment of counsel. (ECF No. 46.)	
9	On August 22, 2019, the Court's August 1, 2019 order was returned as "Undeliverable,	
10	Inmate Refused." Also, on August 22, 2019, the Court's August 9, 2019 order was returned as	
11	"Undeliverable, Refused." On September 9, 2019, the Court's August 13, 2019 order was	
12	returned as "Undeliverable, Unable to Forward."	
13	On October 31, 2019, after Plaintiff failed to file a notice of change of address, file a	
14	second amended complaint, or otherwise communicate with the Court for more than sixty-three	
15	days, the undersigned issued findings and recommendations recommending that this action be	
16	dismissed based on Plaintiff's failure to prosecute this action. (ECF No. 47.) The findings and	
17	recommendations were served on Plaintiff and contained notice that any objections thereto were	
18	to be filed within fourteen (14) days after service. ( <u>Id.</u> at 3.)	
19	Rather than file objections to the findings and recommendations, Plaintiff filed a second	
20	amended complaint on November 18, 2019. (ECF No. 48.)	
21	Accordingly, the October 31, 2019 findings and recommendations, (ECF No. 47), are	
22	HEREBY VACATED. Plaintiff's second amended complaint will be screened in due course.	
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24	IT IS SO ORDERED.	
25	Dated: November 20, 2019 /s/ Barbara A. McAuliffe	
26	UNITED STATES MAGISTRATE JUDGE	