

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. (Id. 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.

23
24 IT IS SO ORDERED.

25 Dated: November 20, 2019

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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