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

JERRY DILLINGHAM,	)	No. 1:18-cv-00507-AWI-SAB (PC)
Plaintiff,	)	ORDER VACATING FINDINGS AND
v.	)	RECOMMENDATIONS ISSUED ON
N. EMERSON, et al.,	)	SEPTEMBER 19, 2018
Defendants.	)	(ECF No. 34)
	)	
	)	
	)	

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Plaintiff Jerry Dillingham is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. §§ 1983, 1985 and 1986.

On September 19, 2018, the undersigned screened Plaintiff's amended complaint, (ECF No. 10), and issued findings and recommendations recommending that this case proceed against Defendants Emerson, Wilson, Wescoat, Velasco, Martines, and Loflen, in their individual capacities, for conditions of confinement in violation of the Eighth Amendment, and that all other claims and defendants be dismissed. (ECF No. 34.) Plaintiff was served with the findings and recommendations, and permitted thirty days to file any objections. (*Id.* at 7-8.)

Plaintiff filed objections, on extension, dated November 28, 2018, which showed some intent to add to or clarify his factual allegations. (ECF No. 41.) Therefore, on December 11, 2018, the Court granted Plaintiff leave to file a second amended complaint within thirty (30) days. (ECF No. 42.)

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On January 11, 2019, Plaintiff filed a second amended complaint. (ECF No. 43.)

Accordingly, because Plaintiff has filed a second amended complaint, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations issued on September 19, 2018 (ECF No. 34), are vacated; and

2. The Court will screen Plaintiff's second amended complaint in due course.

IT IS SO ORDERED.

Dated: January 14, 2019



UNITED STATES MAGISTRATE JUDGE