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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KELVIN CANNON,  
Plaintiff,  
v.  
KONG, *et al.*,  
Defendants.

Case No. 1:18-cv-00666-LJO-JDP  
ORDER GRANTING PLAINTIFF’S  
MOTION TO WITHDRAW FIRST  
AMENDED COMPLAINT  
ECF No. 12

Plaintiff Kelvin Cannon is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. On April 15, 2019, the court screened plaintiff’s first amended complaint and found that he failed to state a claim against any defendant. ECF No. 11. The court gave plaintiff two options: First, plaintiff could withdraw his first amended complaint and proceed on his original complaint, which the court found stated cognizable claims. *Id.* Second, plaintiff could file a second amended complaint with the requisite detail for this action to proceed. *Id.*

On April 22, 2019, plaintiff moved to withdraw his first amended complaint. ECF No. 12. The court hereby grants his motion. Plaintiff’s first amended complaint, ECF No. 10, is considered withdrawn, and the action will proceed on plaintiff’s original complaint, filed May 16, 2019, ECF No. 1. The findings and recommendations, issued on March 29, 2019, that plaintiff be permitted to proceed on cognizable claims stated in his original complaint and that non-

1 cognizable claims be dismissed with leave to amend will now be considered by the district judge  
2 assigned to this case. ECF No. 9.

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4 IT IS SO ORDERED.

5 Dated: April 29, 2019

  
UNITED STATES MAGISTRATE JUDGE

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