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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERMAN RENE ONTIVEROS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION
and M. PORTER,

Defendants.

No. 1:19-cv-01651-NONE-EPG (PC)

ORDER GRANTING MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT

(ECF No. 44)

ORDER VACATING FINDINGS AND
RECOMMENDATIONS

(ECF No. 41)

Plaintiff Herman Rene Ontiveros (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On July 8, 2020, the Court entered findings and recommendations, recommending that Plaintiff’s third amended complaint be dismissed for failure to state a claim and for lack of subject-matter jurisdiction. (ECF No. 41). The Court granted Plaintiff’s motion for an extension of time to file objections to the findings and recommendations. (ECF Nos. 42 & 43). On September 21, 2020, Plaintiff filed a motion for leave to file an amended complaint. (ECF No. 44). In his motion, Plaintiff states that he understands now how he must allege additional information to state a claim. He moves for leave to file an amended complaint.

Finding good cause, the Court GRANTS Plaintiff’s motion. (ECF No. 44). Accordingly, it is HEREBY ORDERED that:

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1. Plaintiff shall file a fourth amended complaint no later than November 9, 2020.
2. The Findings and Recommendations entered July 8, 2020 (ECF No. 41) are HEREBY VACATED.

IT IS SO ORDERED.

Dated: September 23, 2020

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE