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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RONALD WILLIAM WARD,  
  
  Plaintiff,  
  
                        v.  
  
S. BATRA, et al.,  
  
  Defendants.

Case No. 1:21-cv-00929-NODJ-SKO (PC)

**ORDER VACATING FINDINGS AND  
RECOMMENDATIONS TO DISMISS FOR  
A FAILURE TO STATE A CLAIM UPON  
WHICH RELIEF CAN BE GRANTED**

**ORDER DIRECTING CLERK OF THE  
COURT TO FILE THIRD AMENDED  
COMPLAINT**

Plaintiff Ronald William Ward is a civil detainee proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

**I. RELEVANT BACKGROUND**

On November 14, 2023, following screening of Plaintiff’s second amended complaint, the Court issued Findings and Recommendations to Dismiss this Action for Failure to State a Claim Upon Which Relief Can Be Granted. (Doc. 27.)

On December 4, 2023, Plaintiff timely filed his objections. (Doc. 29.)

**II. DISCUSSION**

In its Findings and Recommendations, the Court found Plaintiff’s second amended complaint failed to comply with Rule 8 of the Federal Rules of Civil Procedure, failed to comply with the First Screening Order, should not be converted to a pro se civil action, and that

1 amendment was futile because it appeared Plaintiff was unable or unwilling to cure the  
2 deficiencies identified in the screening order. (Doc. 27 at 5-8.) The Court recommended  
3 Plaintiff's second amended complaint be dismissed without prejudice for a failure to state a claim.  
4 (*Id.* at 8.)

5 In his objections, Plaintiff apologizes to the Court "for his errors in following the courts  
6 instructions." (Doc. 29 at 1.) Plaintiff includes an "amended complaint wherein plaintiff followed  
7 the courts instructions closely" and asks the Court to consider it as he "thinks and believes he has  
8 corrected" the errors identified by the Court. (*Id.*)

9 The Court will vacate the Findings and Recommendations issued November 14, 2023, and  
10 direct the Clerk of the Court to file the amended complaint, filed and submitted as a part of  
11 Plaintiff's objections, as Plaintiff's third amended complaint. The Court will screen Plaintiff's  
12 third amended complaint as required by 28 U.S.C. § 1915A(a) in due course.

### 13 **III. CONCLUSION AND ORDER**

14 For the reasons given above, **IT IS HEREBY ORDERED** that:

- 15 1. The Findings and Recommendations issued November 14, 2023 (Doc. 27) are  
16 **VACATED**; and
- 17 2. The Clerk of the Court is **DIRECTED** to file the amended complaint submitted as a  
18 part of Plaintiff's December 4, 2023 (Doc. 29 at 3-59) filing separately on the docket  
19 as Plaintiff's Third Amended Complaint.

20 IT IS SO ORDERED.

21 Dated: **December 6, 2023**

22 */s/ Sheila K. Oberto*  
23 UNITED STATES MAGISTRATE JUDGE