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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LEE WILSON,

No. CIV S-09-2191-LKK-CMK-P

Plaintiff,

vs.

ORDER

SANDRA LEE WEVER, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On June 22, 2011, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections to the findings and recommendations have been filed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304(f), this court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis. However, the court finds that plaintiff should be granted an opportunity to file a
5 second amended complaint. Specifically, while plaintiff did not make any allegations concerning
6 Proffitt's alleged unconstitutional conduct in his amended complaint, plaintiff has identified
7 some conduct of Proffitt in his objections to the findings and recommendations from which the
8 court could plausibly infer a conspiracy. For this reason, the court grants plaintiff leave to file a
9 second amended complaint. The court advises plaintiff to specifically identify the conduct of
10 Proffitt, as well as the other defendants, in this complaint. Often it is clearest to present such
11 allegations in the form of a time-line, starting with the earliest actions and ending with the most
12 recent actions.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The findings and recommendations filed June 22, 2011, are adopted
15 except as modified above;
- 16 2. Plaintiff's complaint is dismissed without prejudice;
- 17 3. Plaintiff is granted leave of forty-five (45) days from the issuance of this
18 order to file his second amended complaint.

19 DATED: September 6, 2011.

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23 LAWRENCE K. KARLTON
24 SENIOR JUDGE
25 UNITED STATES DISTRICT COURT
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