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

JACK CIVITILLO,

Plaintiff,

No. CIV S-11-1111 KJM DAD P

vs.

CALIFORNIA DEP'T OF
CORRECTIONS, et al.,

Defendant.

ORDER

_____/

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On August 2, 2011, the court filed findings and recommendations recommending this action be dismissed due to plaintiff's failure to file an amended complaint and a new application requesting leave to proceed in forma pauperis as directed. On August 15, 2011, plaintiff filed objections to the findings and recommendations.

The court will vacate the pending findings and recommendations and again order plaintiff to file the documents referred to above. Plaintiff is advised to refer to the court's May 10, 2011 order which describes the defects with his original complaint. In addition, since plaintiff is no longer incarcerated, he must now submit either the \$350.00 filing fee or an application requesting leave to proceed in forma pauperis by a non-prisoner.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations, filed on August 2, 2011, are vacated;

3 2. Within thirty days from the date of this order, plaintiff shall file an amended
4 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
5 Procedure, and the Local Rules of Practice; the amended complaint must bear the docket number
6 assigned to this case and must be labeled "Amended Complaint;" plaintiff must use the form
7 complaint provided by the Clerk of the Court and answer each question;

8 3. Within thirty days from the date of this order, plaintiff shall either submit the
9 \$350.00 filing fee or file an application requesting leave to proceed in forma pauperis by a non-
10 prisoner;

11 4. The Clerk of the Court is directed to send plaintiff an Application to Proceed
12 In Forma Pauperis By a Non-Prisoner and the form complaint for a § 1983 civil right action; and

13 5. Plaintiff's failure to comply with this order will result in a recommendation
14 that this action be dismissed without prejudice.

15 DATED: August 23, 2011.

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18 _____
19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

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19 civ1111.vacatef&r