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2. Defendants' motion to dismiss (ECF No. 26) is granted;

3. Plaintiff's due process claim under the Fourteenth Amendment is dismissed without prejudice;

4. Plaintiff's access-to-courts claim under the First Amendment is dismissed without prejudice;

5. Plaintiff may file an emended complaint within 30 days of this order in accordance with the directions established in the findings and recommendations (ECF No. 30 at 11); and

6. If plaintiff fails to file a timely complaint within 30 days, then this case shall be dismissed with prejudice.

DATED: September 28, 2017

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE