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

FRANK LEE DEARWESTER,  
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
Defendants.

No. 2:15-CV-0443-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court in this closed docket is plaintiff’s motion for relief from the requirement to pay the filing fees in installments (ECF No. 14).

On May 15, 2015, the previously assigned Magistrate Judge dismissed plaintiff’s action for failure to submit an amended complaint within the time allotted and this case was closed. See ECF Nos. 10 (Magistrate Judge’s order) and 11 (final judgment). On June 5, 2015, plaintiff submitted his first amended complaint. See ECF No. 12. This matter was reassigned to this Court pursuant to an order signed by the District Judge on May 11, 2020. See ECF No. 15. The reassignment and review by the undersigned has been triggered by plaintiff’s filing of the currently pending motion on May 7, 2020.

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Good cause appearing for plaintiff's delay, the Court hereby orders the following:

1. The order dismissing this action and final judgment (ECF Nos. 10 and 11) are vacated;
2. The Clerk of the Court is directed to re-open this case;
3. Because this action is being re-opened, plaintiff's motion for relief from the requirement to pay the filing fees (ECF No. 14) is denied; and
4. The sufficiency of plaintiff's first amended complaint shall be addressed by separate screening order.

Dated: May 18, 2020



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE