UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN JACKSON,

Plaintiff,

v.

CLEAR RECON CORP., et al.,

Defendants.

No. 2:15-cv-00968-TLN-AC

ORDER

On February 11, 2016, the court issued findings recommending that defendants' motions to dismiss (ECF Nos. 14, 19) be granted, and that plaintiff be granted leave to amend. ECF No. 30. Those findings and recommendations instructed plaintiff to file an amended complaint **within thirty days of "the date of service of the presiding district judge's order."** Id. at 10 (emphasis added). On March 22, 2016, defendant Bank of America, N.A. ("BofA") filed a motion to dismiss for lack of prosecution. ECF No. 31. BofA argues that this action should be dismissed because plaintiff has failed to comply with the court's order instructing him to file an amended complaint within thirty days. Id. The court's findings and recommendations, however, do not include such an order. Instead, they order plaintiff to file an amended complaint within thirty days of the presiding district judge's order. No such order has been issued to date. Accordingly, the court will strike BofA's motion because it is premature.

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In accordance with the foregoing, THE COURT HEREBY ORDERS that BofA's motion to dismiss, ECF No. 31, is STRICKEN.

DATED: March 25, 2016

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE