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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,  
Plaintiff,  
v.  
J. A. BEARD, et al.,  
Defendant.

No. 2:15-cv-1313 TLN KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 7, 2019, the undersigned filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed objections to the findings and recommendations, along with a motion to amend and a proposed second amended complaint.

Plaintiff was previously provided leave to amend; therefore his motion to amend is dismissed as moot. Plaintiff has now submitted a proposed second amended complaint that appears to comply with the court's March 20, 2018 order. Despite the delay, the undersigned


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1 vacates the findings and recommendations and will screen plaintiff's amended pleading by  
2 separate order.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed February 7, 2019, are vacated;
- 5 2. Plaintiff's motion to amend (ECF No. 35) is dismissed as moot;
- 6 3. This action now proceeds on plaintiff's second amended complaint filed April 19,  
7 2019; and
- 8 4. The Clerk of the Court is directed to strike "Objections to Magistrate Judge's Findings  
9 and Recommendations" from the title of the pleading (ECF No. 39 at 1) and separately docket, as  
10 a new docket entry, pages 1-14 as plaintiff's second amended complaint (ECF No. 39 at 1-14),  
11 and pages 15-45 as plaintiff's exhibits to his second amended complaint (ECF No. 39 at 15-45).

12 Dated: May 14, 2019

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15 KENDALL J. NEWMAN  
16 UNITED STATES MAGISTRATE JUDGE

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