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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY MICHAEL CAYLOR,
Plaintiff,
v.
CITY OF CHICO, et al.,
Defendants.

No. 2:15-cv-01857-TLN-EFB

ORDER

Plaintiff is a county inmate proceeding without counsel in an action brought under 42 U.S.C. § 1983. On August 18, 2016, the Court issued a screening order dismissing Plaintiff’s complaint with leave to amend within thirty days. (ECF No. 8.) Plaintiff did not file an amended complaint or otherwise respond to the Court’s order. Accordingly, on October 4, 2016, the Magistrate Judge filed findings and recommendations to dismiss this action for failure to prosecute. (ECF No. 12.) Plaintiff did not file objections or otherwise respond to the recommendation of dismissal. On January 11, 2017, the Court adopted the findings and recommendations and dismissed this action for failure to prosecute. (ECF No. 13.) Judgment was duly entered. (ECF No. 14.)

On January 26, 2017, Plaintiff filed a “Notice of Objection to Order of Dismissal,” explaining that he never received the court’s August 18, 2016 screening order or October 4, 2016 recommendation of dismissal. (ECF No. 15.) It is unknown why Plaintiff did not receive these

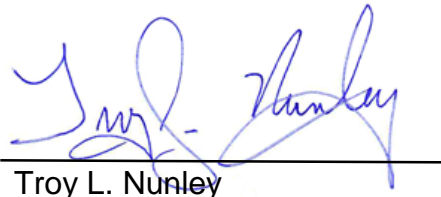
1 orders, as the docket reflects that Plaintiff was properly served with them both. In one of
2 Plaintiff's early filings, however, he explained that jail staff was "refusing to mail any
3 correspondence in this matter . . . attempting to block [his] access to the courts." (ECF No. 6.)

4 In an abundance of caution, the court will construe Plaintiff's "Notice of Objection to
5 Order of Dismissal" as a motion for relief from judgment pursuant to Rule 60(b) of the Federal
6 Rules of Civil Procedure (ECF No. 15), grant Plaintiff relief from judgment, and afford him
7 another opportunity to file an amended complaint.

8 Accordingly, it is hereby ordered that:

- 9 1. Plaintiff's "Notice of Objection to Order of Dismissal," construed as a motion for
10 relief from judgment pursuant to Rule 60(b) (ECF No. 15), is granted.
- 11 2. The Clerk of the Court shall re-serve upon Plaintiff the court's August 18, 2016
12 screening order (ECF No. 8).
- 13 3. Within 30 days from the date of this order, Plaintiff may file an amended complaint in
14 accordance with the August 18, 2016 screening order (ECF No. 8). Failure to comply
15 with this order will result in another recommendation of dismissal for failure to
16 prosecute.

17
18 Dated: February 27, 2017



Troy L. Nunley
United States District Judge