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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ALAN SIERRA,

Plaintiff,

v.

DIRECTOR OF DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:16-cv-1067 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On May 5, 2017, the court denied plaintiff’s application to proceed in forma pauperis, and ordered plaintiff to pay the filing fee within thirty days. (ECF No. 64.) Plaintiff appealed the May 5, 2017 order to the Ninth Circuit Court of Appeals. (ECF No. 65.) On April 4, 2018, the Ninth Circuit dismissed plaintiff’s appeal for failure to prosecute. (ECF No. 76.)

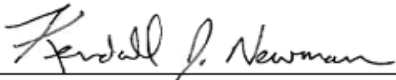
On April 11, 2018, the undersigned ordered plaintiff to pay the filing fee within thirty days. (ECF No. 77.) Thirty days passed and plaintiff did not pay the filing fee. Accordingly, on May 17, 2018, the undersigned recommended that this action be dismissed. (ECF No. 78.)

On April 17, 2018, the Ninth Circuit vacated its April 4, 2018 order and reopened plaintiff’s appeal of the May 5, 2017 order. (ECF No. 80.) This order was docketed in this court on June 20, 2018. (Id.)

1 Based on the reopening of plaintiff's appeal of the May 5, 2017 order, the May 17, 2018
2 findings and recommendations are vacated.

3 Accordingly, IT IS HEREBY ORDERED that the May 17, 2018 findings and
4 recommendations (ECF No. 78) are vacated.

5 Dated: July 25, 2018

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7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

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