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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIC VA'SHON WRIGHT,  
Plaintiff,  
v.  
JEFF MACOMBER, et al.,  
Defendants.

No. 2:16-cv-2054 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On November 1, 2017, the undersigned issued an order screening plaintiff's second amended complaint. (ECF No. 18.) The undersigned found that the second amended complaint stated potentially colorable Eighth Amendment claims against defendants Macomber and Roth, but failed to state potentially colorable claims against the remaining defendants. (Id.) The undersigned granted plaintiff thirty days to file a third amended complaint. (Id.)

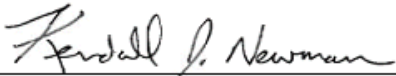
On December 12, 2017, the undersigned granted plaintiff a thirty days extension of time to file a third amended complaint. (ECF No. 20.) Thirty days passed and plaintiff did not file a third amended complaint. Accordingly, on January 23, 2018, the undersigned ordered service of the second amended complaint as to defendants Macomber and Roth. (ECF No. 22.) The undersigned separately recommended dismissal of the other defendants named in the second amended complaint. (ECF No. 21.)

1 Pursuant to the mailbox rule, on January 12, 2018, plaintiff filed a third amended  
2 complaint. (ECF No. 23.) The third amended complaint is court stamp filed January 22, 2018.  
3 (Id.) The undersigned was not aware of the third amended complaint when he issued the order  
4 and findings and recommendation on January 23, 2018.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The order and findings and recommendations filed January 23, 2018 (ECF No. 21, 22)  
7 are vacated;
- 8 2. The undersigned will issue a separate order screening the third amended complaint.

9 Dated: January 31, 2018

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12 KENDALL J. NEWMAN  
13 UNITED STATES MAGISTRATE JUDGE

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