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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THEON OWENS,  
Plaintiff,  
v.  
JOSEPH DEGAZIO, et al.,  
Defendants.

No. 2: 16-cv-2750 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 October 3, 2017, the undersigned recommended that defendants’ motion to dismiss be granted in part and denied in part. (ECF No. 49.) On November 27, 2017, plaintiff filed objections to the findings and recommendation. (ECF No. 56.) On December 4, 2017, plaintiff filed amended objections. (ECF No. 57.) On December 11, 2017, defendants filed a motion to strike the amended objections on the grounds that they are not permitted by the Federal Rules of Civil Procedure of the Local Rules. (ECF No. 60.)

Defendants are correct that amended objections are not permitted by the Federal Rules of Civil Procedure and Local Rules. However, in the original objections, plaintiff states that he did receive the findings and recommendations. Plaintiff states that his objections are based on his review of defendants’ objections.

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1           Because plaintiff alleges that he did not receive the findings and recommendations, the  
2 Clerk of the Court is directed to re-serve the findings and recommendations on plaintiff. Plaintiff  
3 is granted thirty days from the date of this order to file new objections. Plaintiff may also choose  
4 to stand on either the original objections or amended objections previously filed.

5           Accordingly, IT IS HEREBY ORDERED that:

6           1. The Clerk of the Court is directed to re-serve plaintiff with the findings and  
7 recommendations (ECF No. 49);

8           2. Plaintiff is granted thirty days from the date of this order to file new objections or  
9 inform the court that he intends to stand on either the original or amended objections, previously  
10 filed.

11 Dated: December 14, 2017

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14 KENDALL J. NEWMAN  
15 UNITED STATES MAGISTRATE JUDGE

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