

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ALAN SIERRA,  
Plaintiff,  
v.  
CDCR DIRECTOR, et al.,  
Defendants.

No. 2:17-cv-2611 KJM AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By findings and recommendations filed January 23, 2019, the undersigned recommended dismissal of this action for failure to prosecute based on plaintiff’s failure to file an amended complaint. ECF No. 28. However, plaintiff has now filed an amended complaint along with a motion for an extension of time to file the amended complaint. ECF Nos. 30, 33.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s motion for an extension of time (ECF No. 30) is granted and the amended complaint is deemed timely filed.
2. The January 23, 2019 findings and recommendations (ECF No. 28) are withdrawn.
3. The court will screen the amended complaint in due course.

DATED: January 24, 2019

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE