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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY ALTAMIRANO SERMENO,  
Plaintiff,  
v.  
KIMBERLY FLENER,  
Defendant.

No. 2:18-cv-1040 KJM CKD P

ORDER

On October 30, 2018, the court recommended that this action be dismissed for plaintiff's failure to file an amended complaint in accordance with this court's September 13, 2018 order. Plaintiff filed objections to the court's recommendation on December 3, 2018.

After reviewing the objections, the court has learned that the document which should have been filed in this action as plaintiff's amended complaint was instead filed as a complaint in a new action. This is due, at least in part, to the fact that plaintiff did not identify the document as an amended complaint, nor include the case number from this action, although he was instructed to do so in the court's September 13, 2018 order.

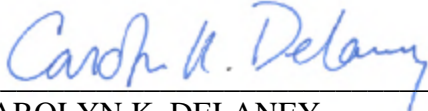
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Nonetheless, good cause appearing, IT IS HEREBY ORDERED that:

1. The court's October 30, 2018 findings and recommendations are vacated;
2. The Clerk of the Court shall file a copy of this order in 1:18-cv-1584 AWI EPG; and
3. The Clerk of the Court shall file a copy of the complaint (ECF No. 1) in 1:18-cv-1584 AWI EPG in this case, identify the document as an "amended complaint," and close 1:18-cv-1584 AWI EPG.

Dated: December 5, 2018

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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