

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JEFF HEALY,

 Plaintiff,

 v.

SHAGUFTA YASMEEN, et al.,

 Defendants.

No. 2:19-CV-2052-WBS-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On June 15, 2020, the Court screened plaintiff’s complaint and found that he stated some cognizable claims and that other claims were not cognizable. See ECF No. 9. The Court ordered that plaintiff may either amend his complaint to remedy the deficiencies therein or elect to proceed on his otherwise valid claims. Id. No amended complaint followed. On August 31, 2020, the Court, in error, issued findings and recommendations, recommending that plaintiff’s action be dismissed for lack of prosecution and failure to comply with court rules and orders. See ECF No. 11. On September 8, 2020, plaintiff submitted objections to the findings and recommendations, pointing out the Court had granted him the opportunity to forgo amending the complaint and proceed on his cognizable claims. See ECF No. 12. Therefore, the Court’s August 31, 2020 findings and recommendations, having been issued in error, are hereby vacated. By separate orders, the Court will address any deficient claims as well as service of process as to the

1 cognizable claims.

2 IT IS SO ORDERED.

3

4 Dated: September 14, 2020

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE