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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER ELLIOTT,
Plaintiff,
v.
R. EHLERS, et al.,
Defendants.

No. 2:22-cv-1040 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983, and is proceeding in forma pauperis. This proceeding was referred to this court pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302. On November 21, 2022, plaintiff’s amended complaint was dismissed and plaintiff was granted thirty days to file a second amended complaint. On January 5, 2023, it was recommended that this action be dismissed because plaintiff failed to file a second amended complaint. On January 20, 2023, plaintiff filed objections to the findings and recommendations, stating he has been transferred, and is only now getting his mail.

Good cause appearing, the findings and recommendations are vacated, and plaintiff is granted an extension of time to file his second amended complaint.

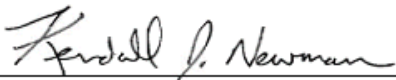
In accordance with the above, IT IS HEREBY ORDERED that:

- 1. The January 5, 2023 findings and recommendations (ECF No. 13) are vacated; and

1 2. Plaintiff is granted thirty days from the date of service of this order to file a second
2 amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules
3 of Civil Procedure, and the Local Rules of Practice; the second amended complaint must be filed
4 on the court's form and bear the docket number assigned this case and must be labeled "Second
5 Amended Complaint."

6 Failure to file a second amended complaint in accordance with this order will result in a
7 recommendation that this action be dismissed.

8 Dated: January 25, 2023

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11 _____
12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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