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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES LEE MATHEWS,
Plaintiff,
v.
COUNTY OF SACRAMENTO, et al.,
Defendants.

No. 2:23-cv-00922 KJM DB P

ORDER

Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983. On March 28, 2024, the undersigned recommended that this action be dismissed for plaintiff’s failure to file an amended complaint or otherwise respond to the court’s order filed on February 16, 2024. However, the court has determined that plaintiff submitted a complaint which was entered as a new case on May 30, 2023, and which, instead, should have been filed as plaintiff’s amended complaint in this case.¹ Accordingly, the undersigned will vacate the findings and recommendations to dismiss this case for failure to file an amended complaint. By separate order in the other action, the undersigned will order the Clerk

¹ The complaint was assigned case number 2:23-cv-1021-DB (E.D. Cal.) and was also entitled Mathews v. County of Sacramento, et al. The complaint did not bear the case number for this case and the boxes for both “original complaint” and “amended complaint” were checked. Plaintiff shall use the case number 23-cv-0922 for all future filings.

1 of the Court to file the complaint as a first amended complaint in this action. The court will screen
2 the first amended complaint in due course.

3 For the reasons set forth above, IT IS HEREBY ORDERED as follows:

4 1. The undersigned vacates the findings and recommendations to dismiss this case filed
5 on March 28, 2024 (ECF No. 12).

6 2. Plaintiff is directed to use the case number 23-cv-0922 for all future filings.

7 Dated: June 4, 2024

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Click here to enter text.,

Plaintiff,

v.

Click here to enter text.,

Defendants.

No. Click here to enter text.

NOTICE OF ELECTION

Plaintiff elects to proceed as follows:

_____ Plaintiff opts to proceed with his [set forth cognizable claims/defendants].

_____ Plaintiff consents to dismissal of [identify noncognizable claims/defts],
without prejudice.

OR

_____ Plaintiff opts to file an amended complaint and delay service of process.
The proposed amended complaint is attached.

DATED:

Plaintiff