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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIE WILLIAMS, AE8191,)	
)	
Plaintiff(s),)	No. C 17-0461 CRB (PR)
)	
vs.)	ORDER VACATING ORDER
)	OF DISMISSAL AND
M. DAHL, Correctional Counselor,)	JUDGMENT, AND
)	REOPENING CASE
Defendant(s).)	
_____)	

On April 24, 2017, the court dismissed with leave to amend plaintiff’s pro se prisoner complaint under 42 U.S.C. § 1983 to allege, if possible, facts showing that defendant: (1) knew that plaintiff faced a substantial risk of serious harm and disregarded that risk by failing to take reasonable steps to abate it, and (2) actually and proximately caused the deprivation of plaintiff’s Eighth Amendment rights. The court made clear that failure to file a proper amended complaint within 28 days will result in the dismissal of this action.

On May 31, 2017, the court dismissed plaintiff’s action because more than 28 days had passed and plaintiff had neither filed a proper amended complaint nor sought an extension of time to do so.

On June 8, 2017, plaintiff filed a letter claiming that he never received the April 24, 2017 order of dismissal with leave to amend. And several days later, he filed a second letter to which he attached his prison mail log, showing that he received no mail from the court during the months of April or May 2017.

1 Good cause appearing therefor, the May 31, 2017 order of dismissal and
2 accompanying judgment (ECF Nos. 5 & 6) are VACATED, and the clerk is
3 instructed to reopen this case and send plaintiff a copy of the April 24, 2017 order
4 of dismissal with leave to amend.

5 Plaintiff may amend, as indicated in the April 24, 2017 order of dismissal
6 with leave to amend, within 28 days of this order. The pleading must be simple
7 and concise, and must include the caption and civil case number used in this
8 order and the words FIRST AMENDED COMPLAINT on the first page. Failure
9 to file a proper amended complaint within the designated time will result in the
10 dismissal of this action.

11 SO ORDERED.

12 DATED: June 23, 2017



13 CHARLES R. BREYER
14 United States District Judge