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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 JOSE G. AMEZQUITA,
7 Plaintiff,

8 v.

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10 GARCIA-CORTEZ, et al.,
11 Defendants.

Case No. 20-08285 BLF (PR)

**ORDER REOPENING ACTION;
VACATING JUDGMENT**

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15 Plaintiff, a state inmate, filed the instant *pro se* civil rights action pursuant to 42
16 U.S.C. § 1983 against prison staff at Salinas Valley State Prison. Dkt. No. 1. On March
17 26, 2021, the Court dismissed the complaint with leave to amend to correct various
18 deficiencies. Dkt. No. 11. Plaintiff was directed to file an amended complaint within
19 twenty-eight days from the date the order was filed and advised that failure to respond
20 would result in the dismissal of the action without prejudice and without further notice to
21 Plaintiff. *Id.* at 8. When no amended complaint was filed in the time provided, *i.e.*, no
22 later than April 23, 2021, the Court dismissed the action on May 25, 2021, and entered
23 judgment the same day. Dkt. Nos. 13, 14.

24 The following day, on May 26, 2021, the Clerk docketed Plaintiff's first amended
25 complaint with a filing date of May 24, 2021. Dkt. No. 12. The Court notes that the
26 amended complaint was signed on April 12, 2021, Dkt. No. 12 at 3, but not postmarked
27 until May 22, 2021. Dkt. No. 12-1 at 1. In the interest of justice, the Court will accept this
28 late filing and reopen the matter. Accordingly, the Judgment entered on May 25, 2021,

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Dkt. No. 14, is **VACATED**. The Court will conduct an initial review of the amended complaint in due course.

The Clerk shall reopen the file.

IT IS SO ORDERED.

Dated: June 2, 2021


BETH LABSON FREEMAN
United States District Judge