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8	UNITED STATES DISTRICT COURT		
9	SOUTHERN DISTRICT OF CALIFORNIA		
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11	HOWARD YOUNG,	Civil No. 09-2545 DMS (JMA)	
12	CDCR #F-44590,		
13	Plaintiff,	ORDER DISMISSING FIRST AMENDED COMPLAINT	
14	VS.		
15	LARRY SMALLS, et al.,		
16			
17	Defendants.		
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20	On November 10, 2009, Howard Young ("Plaintiff"), a state prisoner currently		
21	incarcerated at Calipatria State Prison in Calipatria, California, and proceeding in pro se, filed		
22	a civil rights Complaint pursuant to 42 U.S.C. § 1983. The Court issued an Order on January 19,		
23	2010 dismissing Plaintiff's Complaint for failing to state a claim pursuant to 28 U.S.C.		
24	§§ 1915(e)(2)(B) & 1915A(b). The Plaintiff was notified of the deficiencies of pleading and		
25	provided an opportunity to file a First Amended Complaint. However, on that same day,		
26	Plaintiff filed his First Amended Complaint [Doc. No. 12].		
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1	Because Plaintiff could not have received the Court's Order in time to correct the	e	
2	problems the Court identified in his previous pleading, the Court will DISMISS Plaintiff's First		
3	Amended Complaint and permit him to file a Second Amended Complaint within the time frame		
4	already identified in the Court's January 19, 2010 Order. If Plaintiff wishes to instead proceed		
5	with the First Amended Complaint filed on January 19, 2010, he must notify the Court no later		
6	than March 1, 2010 of that decision. The Court will then reopen the matter and sua sponte		
7	screen Plaintiff's First Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) & 1915A(b).		
8	IT IS SO ORDERED.		
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10	DATED: January 27, 2010		
11	John m. Solom		
12	HON. DANA M. SABRAW United States District Judge		
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