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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD E. CEARLEY,
Plaintiff,
v.
WELLS FARGO BANK,
Defendant.

No. 2:15-cv-353-MCE-EFB PS

ORDER

On February 4, 2016, the district judge adopted this court’s findings and recommendations and granted defendant’s motion to dismiss the complaint with leave to amend.¹ ECF No. 34. That order gave plaintiff thirty days to file an amended complaint correcting the deficiencies identified in the January 8, 2016 findings and recommendations, and warned plaintiff that failure to file an amended complaint would result in this action being dismissed. *Id.*

Plaintiff failed to timely file an amended complaint. Accordingly, on March 16, 2016, the court recommended that this action be dismissed for failure to prosecute. ECF No. 36; *see* Fed. R. Civ. P. 41(b). On April 18, 2016, plaintiff requested an extension of time to respond to the pending findings and recommendations. ECF No. 37. In his pleading, plaintiff explains that he has been living in multiple hotels and that his documents related to this action are stored in

¹ This action, in which plaintiff is proceeding in propria persona, was referred to the undersigned under Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1).

1 multiple locations. Plaintiff further states that he has experiencing difficulty obtaining his mail,
2 including orders from this court. *Id.* at 2-3. Plaintiff also expresses his desire to continue
3 litigating this action. *Id.* at 2.

4 The court construes plaintiff's pleadings as a request for a request for an extension of time
5 to file an amended complaint and grants the request. The court notes that preparing an amended
6 complaint does not require extensive legal research, as it should not contain any legal citations,
7 but only a short and plain statement of the facts showing that plaintiff is entitled to relief.

8 Accordingly, IT IS HEREBY ORDERED that the March 16, 2016 findings and
9 recommendations are held in abeyance, and plaintiff has 30 days from the date of this order to
10 submit the amended complaint. Should plaintiff fail to timely comply, those findings and
11 recommendations will be submitted to the district judge for consideration.

12 DATED: April 27, 2016.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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