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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Thomas Stewart, Jr.,	)	No. CV 09-2193-PHX-RCB (LOA)
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Charles Ryan, et al.,	)	
Defendants.	)	

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Plaintiff Thomas Stewart, Jr., who is confined in the Arizona State Prison Complex-Eyman, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*. On November 10, 2009, the Court denied the Application to Proceed with leave to re-file. On December 9, 2009, Plaintiff filed a new Application to Proceed *In Forma Pauperis* (Doc. #8). By Order filed January 20, 2010, the Court granted Plaintiff *in forma pauperis* status and dismissed the Complaint with leave to amend (Doc. #11).

After receiving an extension of time, Plaintiff filed a First Amended Complaint (Doc. #17) on March 22, 2010. On April 27, 2010, the Court dismissed the First Amended Complaint with leave to amend. On May 14, 2010, Plaintiff filed a Motion for Extension of Time to file a second amended complaint (Doc. #19).

**I. Motion**

In his Motion, Plaintiff requests an additional 60 days within which to file a second amended complaint. Plaintiff states that he has another action pending in the court of

1 appeals, has limited access to legal materials, and needs additional time to prepare a second  
2 amended complaint. The Court will grant the motion; Plaintiff will have 60 days from the  
3 filing date of this order to file a second amended complaint that complies with the Court's  
4 April 27, 2010 Order. **The Court will not grant any further extensions of time.**

5 **II. Warnings**

6 **A. Release**

7 Plaintiff must pay the unpaid balance of the filing fee within 120 days of his release.  
8 Also, within 30 days of his release, he must either (1) notify the Court that he intends to pay  
9 the balance or (2) show good cause, in writing, why he cannot. Failure to comply may result  
10 in dismissal of this action.

11 **B. Address Changes**

12 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
13 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
14 relief with a notice of change of address. Failure to comply may result in dismissal of this  
15 action.

16 **C. Copies**

17 Plaintiff must submit an additional copy of every filing for use by the Court. See  
18 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice  
19 to Plaintiff.

20 **D. Possible Dismissal**

21 If Plaintiff fails to timely comply with every provision of the April 27, 2010 Order,  
22 or this Order, including these warnings, the Court may dismiss this action without further  
23 notice. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may  
24 dismiss an action for failure to comply with any order of the Court).

25 **IT IS ORDERED:**

26 (1) Plaintiff's May 14, 2010 Motion for Extension of Time (Doc. #19) is **granted**;  
27 Plaintiff has **60 days** from the date this Order is filed to file a second amended complaint in  
28 compliance with the May 14, 2010 Order.

1 ...

2 (2) If Plaintiff fails to file a second amended complaint within 60 days, the Clerk  
3 of Court must, without further notice, enter a judgment of dismissal of this action without  
4 prejudice.

5 DATED this 23rd day of May, 2010.

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Robert C. Broomfield  
Senior United States District Judge

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