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

Raymond V. Gutierrez,
Plaintiff,
vs.
Corrections Corp. Of America, et al.,
Defendants.

No. CV 10-0117-PHX-RCB (ECV)

ORDER

Raymond V. Gutierrez, a California inmate in the La Palma Corrections Center (LPCC), a Corrections Corporation of America (CCA) facility in Eloy, Arizona, filed a Complaint pursuant to 28 U.S.C. § 1983, which the Court dismissed with leave to amend. (Doc. 7.) Plaintiff previously sought an extension of time within which to file his amended complaint, which was granted. (Doc. 9, 10.) Plaintiff has filed a second motion for extension of time to file an amended complaint and lodged an incomplete first amended complaint. (Doc. 11, 12.) Because the lodged amended complaint is incomplete, the Court will dismiss it. Plaintiff will be granted a further 30 day extension to file a complete First Amended Complaint in compliance with the Order filed May 13, 2010. Absent good cause, the Court is not inclined to grant any further extensions.

/ / /

1 **Warnings**

2 **A. Release**

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

7 **B. Address Changes**

8 Plaintiff must file and serve a notice of a change of address in accordance with Rule
9 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
10 relief with a notice of change of address. Failure to comply may result in dismissal of this
11 action.

12 **C. Copies**

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

16 **D. Possible Dismissal**

17 If Plaintiff fails to timely comply with every provision of this Order, including these
18 warnings, and the May 13, 2010 Order, the Court may dismiss this action without further
19 notice. See Ferdik, 963 F.2d at 1260-61 (a district court may dismiss an action for failure to
20 comply with any order of the Court).

21 **IT IS ORDERED:**

22 (1) Plaintiff's motion for extension of time to file a first amended complaint is
23 **granted** to the extent set forth herein. (Doc. 11.)


24 (2) Plaintiff is **granted** an additional **30 days** from the filing date of this Order in
25 which to *file* a completed first amended complaint in compliance with the May 13, 2010
26 Order, doc. 7.

27 (3) Plaintiff's lodged first amended complaint is **dismissed**. (Doc. 12.)
28

1 (4) If Plaintiff fails to file an amended complaint within 30 days, the Clerk of
2 Court must, without further notice, enter a judgment of dismissal of this action with
3 prejudice.

4 (5) The Clerk of Court must mail Plaintiff a court-approved form for filing a civil
5 rights complaint by a prisoner.

6 DATED this 31st day of August, 2010.

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10 Robert C. Broomfield
11 Senior United States District Judge
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