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

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Garrett J. Deetz,

No. CV-13-00489-PHX-DJH (ESW)

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Plaintiff,

ORDER

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v.

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Arizona Department of Corrections, et al.,

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Defendants.

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The Plaintiff is an inmate at the Arizona Department of Corrections, Special Management Unit I (SMU I) in Florence, Arizona. He filed a Complaint (Doc. 1) pursuant to 42 USC § 1983. By order of the Court (Doc. 23) filed September 30, 2014, the Defendants Vukcevic and Valenzuela were determined to be required to Answer Counts 1 and 2 of the First Amended Complaint (Doc. 25) filed April 14, 2014. All other defendants were dismissed without prejudice. Plaintiff’s Motion for Preliminary Injunction (Doc. 19) was denied. Plaintiff was ordered to complete and return a service packet to the Clerk of Court within 21 days. Plaintiff was ordered to obtain a waiver or complete service of the Summons and First Amended Complaint on Defendants within 120 days of the filing of the Complaint or within 60 days of the filing of the Order, whichever was later, or the First Amended Complaint would be dismissed as to those defendants who were not timely served (Doc. 23 at page 15).

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Therefore, Plaintiff had until November 29, 2014 to serve Defendants Vukcevic and Valenzuela or obtain a waiver of service. A review of the Docket reflects that

1 service packets were forwarded to the U.S. Marshal on November 14, 2014. Defendant
2 Vukcevic by and through his counsel executed a Waiver of Service (Doc. 30) on
3 December 17, 2014.

4 On December 29, 2014, Plaintiff filed a Motion for Extention [sic] of Time (Doc
5 33). Plaintiff references an Order of the Court dated October 31, 2014, which does not
6 appear on the Docket. Plaintiff believes the Order set forth time limits by which Plaintiff
7 must “re-submit his preliminary injunction and/or 2nd Amendment.” Plaintiff requests an
8 extension of time of 60 days to “re-submit his motions.” The Order (Doc. 23) of
9 September 30, 2014 does not set forth time limits by which Plaintiff must re-submit a
10 motion.

11 The Court denied Plaintiff’s Preliminary Injunction (Doc. 23) without prejudice.
12 Therefore, Plaintiff is not precluded from re-asserting a request for injunctive relief.

13 Plaintiff has already filed one Amended Complaint. Pursuant to Rule 15(a)(2),
14 Fed. R. Civ. P, a party may thereafter amend its pleading only with the opposing party’s
15 written consent or leave of the Court. Therefore, Plaintiff must file a Motion to Amend
16 should he wish to file a Second Amended Complaint without consent of all parties. No
17 Scheduling Order has issued at this time because no Defendants have answered.
18 Therefore, Plaintiff’s request for an extension of time to file a motion to amend or
19 subsequent request for injunctive relief is not necessary.

20 The Motion for Extention [sic] of Time (Doc 33) is denied.

21 Dated this 14th day of January, 2015.

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25 Honorable Eileen S. Willett
26 United States Magistrate Judge
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