

MD

1  
2 **WO**3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Edwin Jaramillo,

No. CV 13-1713-PHX-DGC (JFM)

10 Plaintiff,

11 vs.

**ORDER**

12 Glendale County, et al.,

13 Defendants.  
14

15 On August 19, 2013, Plaintiff Edwin Jaramillo, who is confined in the Arizona  
16 State Prison Complex ("ASPC")-Lewis, filed a *pro se* civil rights Complaint pursuant to  
17 42 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*.<sup>1</sup> In an Order dated  
18 October 16, 2013, the Court denied the deficient Application to Proceed and gave  
19 Plaintiff 30 days to pay the filing and administrative fees or file a complete Application  
20 to Proceed *In Forma Pauperis*. On October 28, 2013, Plaintiff submitted a new  
21 Application to Proceed *In Forma Pauperis*, which was also deficient. In an Order dated  
22 December 30, 2013, the Court denied the Application to Proceed and gave Plaintiff an  
23 additional 30 days to pay the filing and administrative fees or file a complete Application  
24 to Proceed *In Forma Pauperis*.

25 On January 14, 2013, Plaintiff filed a new Application to Proceed *In Forma*  
26 *Pauperis*, and in a March 18, 2014 Order, the Court granted the Application to Proceed

27  
28 <sup>1</sup> Plaintiff did not file a Notice of Change of Address, but the address on the  
motion he filed on September 4, 2014 indicates that he is currently confined in ASPC-  
Lewis.

1 and dismissed the Complaint because Plaintiff had failed to state a claim. The Court gave  
2 Plaintiff 30 days to file an amended complaint that cured the deficiencies identified in the  
3 Order.

4 On March 28, 2014, Plaintiff filed a "Motion for an Extension of Time to Respond  
5 to Document #: 10-1." On April 18, 2014, Plaintiff filed a First Amended Complaint. In  
6 a July 7, 2014 Order, the Court dismissed the First Amended Complaint for failure to  
7 state a claim and denied the Motion for an Extension of Time as moot. The Court gave  
8 Plaintiff 30 days to file a second amended complaint in compliance with the Order. The  
9 Court warned Plaintiff that the Clerk of Court would enter a judgment of dismissal of this  
10 action with prejudice if Plaintiff failed to file an amended complaint within 30 days.  
11 Plaintiff did not file an amended complaint within 30 days and, therefore, the Clerk of  
12 Court entered Judgment (Doc. 17) on August 21, 2014.

13 On September 4, 2014, Plaintiff filed a Motion to Extend Time (Doc. 18).  
14 Plaintiff requests an extension of 30 days because he "has not had time to prepare a  
15 response to the Court due to being in transport, and not having his legal paperwork to  
16 prepare the information the Court Order requested." Presumably, Plaintiff is requesting  
17 an extension of time to file an amended complaint, but that is not clear from his Motion.

18 The Court will deny Plaintiff's Motion. Judgment was entered in this case well  
19 after the 30 days granted by the Court in which to file an amended complaint, and  
20 Plaintiff did not file a motion for extension of time to amend within that 30 days.  
21 Plaintiff does not allege or assert that he could not have done so. Under these  
22 circumstances, the Court will deny his motion.

23 **IT IS ORDERED** that Plaintiff's Motion to Extend Time (Doc. 18) is **denied**.

24 Dated this 18th day of September, 2014.

25  
26 

27  
28 \_\_\_\_\_  
David G. Campbell  
United States District Judge