

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JKM

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Jason Saunders,)	No. CV 1-05-0699-RCC
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Jerry Saunders, et al.,)	
)	
Defendants.)	

I. Background

In a February 13, 2009 Order, the Court dismissed Plaintiff’s Second Amended Complaint for failure to state a claim and gave Plaintiff 30 days to file a Third Amended Complaint to cure the deficiencies identified in the Order (Doc. #39).

II. Pending Motion

On March 27, 2009, Plaintiff filed an Application for Extension of Time to File his Third Amended Complaint¹ (Doc. #40), in which he seeks a 45-day extension of time to comply with the Court’s Order. The Court, in its discretion, will grant the Motion.

III. Warnings

A. Address Changes

Plaintiff must file and serve a notice of a change of address in accordance with Rule 83-182(f) and 83-183(b) of the Local Rules of Civil Procedure. Plaintiff must not include

¹ Because the Application was signed on March 16, 2009, the Court will treat it as timely filed under the “prison mailbox” rule. See Lott v. Mueller, 304 F.3d 918, 921 (9th Cir. 2002) (under the prison “‘mailbox rule,’ . . . a legal document is deemed filed on the date a petitioner delivers it to the prison authorities for filing by mail”).

1 a motion for other relief with a notice of change of address. Failure to comply may result in
2 dismissal of this action.

3 **B. Copies**

4 Plaintiff must submit an additional copy of every filing for use by the Court. See
5 LRCiv 5-133(d)(2). Failure to comply may result in the filing being stricken without further
6 notice to Plaintiff.

7 **C. Possible Dismissal**

8 If Plaintiff fails to timely comply with every provision of this Order, including these
9 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,
10 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
11 comply with any order of the Court).

12 **IT IS ORDERED:**

13 (1) Plaintiff's Application for Extension of Time to File his Third Amended
14 Complaint (Doc. #40) is **granted**.

15 (2) Plaintiff has **45 days** from the date this Order is filed to file a third amended
16 complaint in compliance with the Order (Doc. #39) filed on February 13, 2009 and this
17 Order.

18 (3) If Plaintiff fails to file a third amended complaint within 45 days, the Clerk of
19 Court must, without further notice, enter a judgment of dismissal of this action with
20 prejudice.

21
22 DATED this 2nd day of April, 2009.

23
24
25
26
27
28


Raner C. Collins
United States District Judge