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

Jason Saunders,
Plaintiff,
vs.
Jerry Saunders, et al.,
Defendants.

No. CV 1-05-0699-RCC

ORDER

Plaintiff Jason Saunders filed a *pro se* prisoner civil rights action of June 1, 2005 and a First Amended Complaint on September 12, 2005. (Docs. 1 & 9). The Court dismissed the First Amended Complaint for failure to comply with Federal Rule of Civil Procedure 8, but granted Plaintiff leave to amend. (Doc. 23). Plaintiff filed the Second Amended Complaint on January 30, 2007, and the Court dismissed it for the same reasons as the first, also with leave to amend. (Docs. 27 & 39). The Court gave Plaintiff until May 27, 2009 to file a Third Amended Complaint, and when Plaintiff failed to do so, the Court dismissed this action on June 10, 2009. (Docs. 41 & 42).

Plaintiff moved for reconsideration and argued he had timely filed a Motion for Extension of Time, which the Court never received. (Doc. 43). Plaintiff attached a copy of the motion, but the Court denied relief because Plaintiff provided no proof of mailing. (Doc. 46). Plaintiff moved again for reconsideration, but the Court denied relief because Plaintiff still had not provided proof of mailing. (Docs. 47 & 48).

1 Plaintiff has now provided proof of mailing and asks the Court again to reconsider
2 dismissal of this action. (Docs. 49 & 51). While this proof of mailing is sufficient, the Court
3 notes Plaintiff has not provided a proposed Third Amended Complaint. As explained in the
4 Order denying Plaintiff's first request for reconsideration, the Court cannot find any injury
5 justifying relief under Rule 59(e) or Rule 60(b)(6) without a proposed Third Amended
6 Complaint. (Doc. 46). In the interests of judicial economy and a fully developed record, the
7 Court will require Plaintiff to file a proposed Third Amended Complaint.¹

8 In addition, in consideration of the age of this case and significant delays already
9 present in the record, the Court's will exercise its inherent authority to manage its docket in
10 order to move this action more swiftly towards resolution. Plaintiff is advised that the Court
11 is not inclined to grant any further extensions of time. Accordingly,

12 **IT IS ORDERED** Plaintiff shall file a proposed Third Amended Complaint on or
13 before **December 27, 2011**. The Court will deem Plaintiff's Third Motion for
14 Reconsideration (Doc. 49) ready for ruling on the following day.

15 DATED this 27th day of September, 2011.

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Raner C. Collins
United States District Judge

¹The Court notes that, contrary to its August 5, 2011 Order, summary disposition of the motion is not available because Defendants have not yet been served.