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

BRIAN CRUZ,

Plaintiff,

vs.

SCHWARZENEGGER, et al.,

Defendants.

1:06-cv-00759-LJO-GSA (PC)

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 38.)

ORDER GRANTING MOTION  
FOR EXTENSION OF TIME TO FILE  
AMENDED COMPLAINT  
(Doc. 39.)

SIXTY-DAY DEADLINE

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Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On December 24, 2008, the undersigned entered findings and recommendations to dismiss this action for plaintiff's failure to obey the Court's order of May 29, 2008 which dismissed plaintiff's complaint with leave to amend. (Doc. 38.) Also on December 24, 2008, plaintiff filed a motion for an extension of time to file his amended complaint. (Doc. 39.)

Good cause having been presented to the court, and GOOD CAUSE APPEARING THEREFOR, the Court shall vacate the findings and recommendations and grant plaintiff an extension of time. Plaintiff is hereby informed that further extensions of time shall not be granted without a showing of good cause.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings of recommendations of December 24, 2008, are VACATED in their entirety;

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2. Plaintiff is granted sixty (60) days from the date of service of this order in which file an amended complaint, pursuant to the court's order of May 29, 2008; and
3. Further extensions of time shall not be granted without a showing of good cause.

IT IS SO ORDERED.

**Dated: January 8, 2009**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE