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

RALPH KELLY HAWTHORNE, JR.,

Plaintiff,

v.

KATHY MENDOZA-POWERS, et al.,

Defendants.

CASE NO. 1:07-cv-01101-OWW-DLB (PC)

ORDER DENYING PLAINTIFF'S
MOTION TO AMEND HIS COMPLAINT

ORDER GRANTING IN PART SECOND
MOTION TO EXTEND TIME TO FILE
OBJECTIONS TO FINDINGS AND
RECOMMENDATIONS

(Docs. 49, 59)

PLAINTIFF'S OBJECTIONS DUE WITHIN
FIFTEEN DAYS

_____ /

Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On July 2, 2009, Plaintiff filed a motion requesting leave to file an amended complaint. On December 7, 2009, plaintiff filed a motion to extend time to file objections to the Court's September 30, 2009, Findings and Recommendations, which recommended dismissal for failure to obey a court order.

Plaintiff states that he has completed his response to Defendants' motion to dismiss. Plaintiff requests an extension of time to file his amended complaint with the Court.

Leave to amend after appearance by the opposing is granted only with the opposing party's consent or the Court's leave. Fed. R. Civ. P. 15(a). A review of the record indicates that Defendants oppose any amendment to the complaint. (Doc. 51.) The Court sees no reason

1 to grant Plaintiff leave to amend his complaint, and Plaintiff presents no reasons to justify such a
2 grant. The Court will strike Plaintiff's amended complaint if it is filed.

3 It is unclear whether or not Plaintiff's response to the Defendants' motion to dismiss will
4 address the Court's Findings and Recommendations. Plaintiff will thus be granted a partial
5 extension of time.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff is granted fifteen (15) days from the date of service of this order in which
8 to file objections to the Court's September 30, 2009, Findings and
9 Recommendations; and
- 10 2. Plaintiff's motion for permission to file an amended complaint, filed on July 2,
11 2009, is denied.

12 IT IS SO ORDERED.

13 **Dated: December 10, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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