

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

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

HECTOR MANZANARES,

Plaintiff,

vs.

1: 07 CV 1822 AWI WMW PC

ORDER RE MOTION (DOC 15)

C/O NAILS, et al.,

Defendants.

On January 12, 2009, findings and recommendations were entered, recommending that this action be dismissed for failure to state a claim. The recommendations are based on the November 19, 2008, order dismissing the complaint with leave to file an amended complaint. In that order, the court identified the deficiencies in the complaint, and provided Plaintiff with an opportunity to file an amended complaint. Plaintiff chose not to file an amended complaint, and the recommendation of dismissal was entered.

On January 23, 2009, Plaintiff filed a motion titled as a motion to re-open. In this motion, Plaintiff sets forth generalized complaints regarding the conditions of his confinement. Plaintiff is advised, as he was in the November 19, 2008, order, that in order to state a claim for relief he must charge specific defendants with conduct that violates a protected interest. Should Plaintiff desire to file an amended complaint, he must file an amended complaint that is identified

1 as an amended complaint and in compliance with the order of November 19, 2008. The Court
2 will grant Plaintiff thirty days in which to file an amended complaint. Should Plaintiff fail to do
3 so, the January 12, 2009, recommendation of dismissal will be submitted to the District Court.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's motion to reopen is denied.
- 6 2. Plaintiff is granted thirty days from the date of service of this order in which to file an
7 amended complaint.

8
9 IT IS SO ORDERED.

10 **Dated: February 17, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE