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

KELLY MORGAN,

Plaintiff,

vs.

TILTON, et al.,

Defendants.

1:08-cv-00233-OWW-GSA-PC

ORDER VACATING FINDINGS
AND RECOMMENDATIONS OF
MAY 6, 2011
(Doc. 38.)

ORDER GRANTING EXTENSION OF
TIME TO COMPLY WITH SCREENING
ORDER OF MARCH 16, 2011

ORDER DIRECTING CLERK TO SEND
COPY OF SCREENING ORDER TO
PLAINTIFF
(Doc. 37.)

THIRTY DAY DEADLINE FOR PLAINTIFF
TO COMPLY

_____/

Plaintiff is a state prisoner proceeding with a civil rights action pursuant to 42 U.S.C. § 1983. On March 16, 2011, the undersigned issued findings and recommendations to dismiss this action for plaintiff's failure to obey the Court's screening order of March 16, 2011. (Doc. 37.) On June 17, 2011, Plaintiff filed objections to the findings and recommendations and a notice of change of address to Kern Valley State Prison (KVSP). Plaintiff explains that he was transferred from California State Prison-Los Angeles County (LAC) to KVSP in September 2010 and only recently received his mail forwarded from LAC. Plaintiff requests an extension of time to comply with the Court's screening order.

1 Plaintiff is advised that under Local Rule 183, he is required to keep the Court and opposing
2 parties apprised of his current address, or the Court may dismiss his case for failure to prosecute.
3 L.R. 183(b). Here, in light of Plaintiff's response and request for extension of time, the Court finds
4 good cause to vacate the findings and recommendations and grant Plaintiff an extension of time to
5 comply with the Court's screening order.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations of May 6, 2011 are VACATED;
- 8 2. Plaintiff's request for an extension of time to comply with the Court's
9 screening order is GRANTED;
- 10 3. Within thirty days from the date of service of this order, Plaintiff shall either
11 (1) file a Second Amended Complaint, or (2) notify the Court of his
12 willingness to proceed only on the claims found cognizable by the Court in the
13 Court's screening order of March 16, 2011;
- 14 4. The Clerk is DIRECTED to send Plaintiff a copy of the Court's screening
15 order of March 16, 2011 (Doc. 37.); and
- 16 5. Plaintiff's failure to comply with this order shall result in a recommendation
17 that this action be dismissed.

18
19 IT IS SO ORDERED.

20 **Dated: June 20, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE