

EASTERN DISTRICT OF CALIFORNIA

CASE NO. 1:08-cv-00283-AWI-SKO PC

ORDER RE MOTION

(Doc. 12)

Defendants.

Defendant's motion also requests an extension of time to file a response to Plaintiff's first amended complaint. The Court's screening order determined that Plaintiff's first amended complaint failed to state any claims and recommended that this action be dismissed. The Court will grant Defendant's request for an extension of time. In the event that the recommendation is not adopted and this action is not dismissed, the Court will order Defendant to file a response to Plaintiff's first amended complaint and the deadline for such response will be set at that time.

1. Defendant's request for the Court to screen Plaintiff's first amended complaint is DENIED as moot; and

2. Defendant's request for an extension of time is GRANTED. In the event that a response to Plaintiff's first amended complaint is necessary, the deadline for filing such response will be set at a later date.

IT IS SO ORDERED.

**Dated: September 15, 2010**

**/s/ Sheila K. Oberto**  
UNITED STATES MAGISTRATE JUDGE