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

STEVEN W. ROSE,

Case No. 1:08-cv-00681 LJO JLT (PC)

Plaintiff,

ORDER REQUIRING PLAINTIFF TO FILE A  
SECOND AMENDED COMPLAINT

vs.

STATE OF CALIFORNIA,

Defendant.

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed October 27, 2010, the Court dismissed Plaintiff's amended complaint with leave to amend. (Doc. 26.) Upon Plaintiff's request, the Court granted Plaintiff an additional sixty days to file a second amended complaint in accordance with the Court's October 27, 2010 screening order. (Doc. 29.) However, instead of filing an amended pleading, Plaintiff filed a motion to stay the proceedings (Doc. 32), which the assigned district judge denied (Doc. 33) on February 8, 2011. In the interest of justice, the Court will afford Plaintiff a final thirty days to file an amended pleading.

Accordingly, it is **HEREBY ORDERED** that, within thirty days of the date of service of this order, Plaintiff shall file a second amended complaint in accordance with the Court's October 27, 2010 screening order. Plaintiff is cautioned that failure to comply will result in a recommendation that this action be dismissed. Plaintiff is also cautioned that no further extensions of time will be

1 granted for this purpose, absent a showing of good cause. The filing of motions that lack merit does  
2 not constitute good cause.

3  
4 IT IS SO ORDERED.

5 Dated: February 9, 2011

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE