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MDR

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

Gavino Lomeli,	)	No. CV 1-08-1575-FJM
Plaintiff,	)	<b>ORDER</b>
vs.	)	
California Department of Corrections, et)	)	
al.,	)	
Defendants.	)	

Plaintiff Gavino Lomeli, who is confined in the California State Prison-Corcoran in Corcoran, California, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983. In a February 12, 2009 Order, the Court dismissed the Complaint because Plaintiff had failed to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. The Court gave Plaintiff 30 days to file an Amended Complaint that cured the deficiencies identified in the Order.

**I. Pending Motion**

On March 11, 2009, Plaintiff filed a Motion (Doc. #14) seeking a 60-day extension of time to file his amended complaint. Plaintiff seeks the extension because he has a “2.3 reading level” and is attempting to find someone to help him prepare his amended complaint. The Court, in its discretion, will partially grant Plaintiff’s request for an extension of time—the Court will grant Plaintiff an additional **45** days to file an amended complaint in

JDDL

1 compliance with the Court's February 12, 2009 Order. Given the age of this case, no further  
2 extensions shall be granted

3 **II. Warnings**

4 **A. Address Changes**

5 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
6 83-182(f) and 83-183(b) of the Local Rules of Civil Procedure. Plaintiff must not include  
7 a motion for other relief with a notice of change of address. Failure to comply may result in  
8 dismissal of this action.

9 **B. Copies**

10 Plaintiff must submit an additional copy of every filing for use by the Court. See  
11 LRCiv 5-133(d)(2). Failure to comply may result in the filing being stricken without further  
12 notice to Plaintiff.

13 **C. Possible Dismissal**

14 If Plaintiff fails to timely comply with every provision of this Order and the Court's  
15 February 12, 2009 Order, including these warnings, the Court may dismiss this action  
16 without further notice. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a  
17 district court may dismiss an action for failure to comply with any order of the Court).

18 **IT IS ORDERED:**

19 (1) Plaintiff's Motion (Doc. #14) is **partially granted**. Plaintiff has **until April**  
20 **30, 2009** to file an amended complaint in compliance with this Order and the Court's  
21 February 12, 2009 Order.

22 (2) If Plaintiff fails to file an amended complaint by April 30, 2009, the Clerk of  
23 Court must, without further notice, enter a judgment of dismissal of this action with  
24 prejudice.

25 DATED this 6<sup>th</sup> day of April, 2009.

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27 \_\_\_\_\_  
28 Frederick J. Martone  
United States District Judge