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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN FREDERICK WHEELER,

CASE NO. 1:09-cv-01772-OWW-SKO

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR AN EXTENSION OF TIME
TO FILE AN AMENDED COMPLAINT**

v.

HEALTHY SMILES, et al.,

Doc. Nos. 7, 8

Defendants.

Plaintiff John Frederick Wheeler ("Plaintiff") is proceeding *pro se* and *in forma pauperis* with an action for damages and other relief concerning alleged civil rights violations pursuant to 42 U.S.C. § 1983 that he filed on October 8, 2009. On November 17, 2009, the Court screened the complaint pursuant to 28 U.S.C. § 1915(e)(2), and issued an order dismissing the complaint for failure to state a cognizable claim. The Court, however, granted Plaintiff thirty (30) days to amend his complaint. (Doc. 3.) On December 10, 2009, Plaintiff filed an amended civil rights complaint. (Doc. 4.) The First Amended Complaint ("FAC") was screened, but the deficiencies of the original complaint were not cured. On June 18, 2010, the Court again dismissed the complaint granting thirty (30) days leave to amend. (Doc. 6.) Plaintiff did not file an amended complaint.

On July 23, 2010, United States Magistrate Judge Sheila K. Oberto issued [Findings and](#)

1 [Recommendations](#) that the action be dismissed based on Plaintiff's failure to amend the FAC in
2 compliance with the Court's June 18, 2010, order. (Doc. 7.) On August 6, 2010, Plaintiff filed
3 [Objections](#) to the Findings and Recommendations stating that he had not timely received the Court's
4 orders through the mail and requested additional time to amend his complaint. (Doc. 8.)

5 Accordingly, the Court GRANTS Plaintiff's request for an extension of time to file an
6 amended complaint. Plaintiff shall file an amended complaint within 30 days from the date of this
7 order.

8
9 IT IS SO ORDERED.

10 **Dated: September 2, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE