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

LONNIE WILLIAMS,
Plaintiff,

vs.

EDWARD S. ALAMEIDA, JR., et al.,

Defendants.

1:09-cv-01882-LJO-GSA-PC

ORDER VACATING FINDINGS
AND RECOMMENDATIONS OF
JULY 12, 2010
(Doc. 22.)

ORDER DENYING REQUEST FOR
REASSIGNMENT OF MAGISTRATE
JUDGE

ORDER GRANTING EXTENSION OF
TIME TO FILE SECOND AMENDED
COMPLAINT

THIRTY DAY DEADLINE

_____ /

Plaintiff is a state prisoner proceeding with a civil rights action pursuant to 42 U.S.C. § 1983. On July 12, 2010, the undersigned issued findings and recommendations to dismiss this action for plaintiff's failure to obey the court's order of May 3, 2010 which required Plaintiff to file a second amended complaint. (Doc. 22.) On July 28, 2010, Plaintiff filed objections to the findings and recommendations, claiming he filed a motion for extension of time at Document 21 of the Court's record, which Plaintiff contends was deliberately disregarded by the Court. (Doc. 23.) Plaintiff also requests reassignment of the Magistrate Judge in this action, on the ground that Magistrate Judge Gary L. Austin treated Plaintiff prejudicially when he failed to grant Plaintiff's motion for extension of time.

1 The Court's record contains no motion for extension of time filed by Plaintiff in this action
2 during the relevant period of time. Document 21 is a notice of change of address, not a motion for
3 extension of time. (Doc. 21.) Plaintiff has not shown good cause for the Court to reassign the
4 Magistrate Judge. Due to Plaintiff's response indicating he intends to litigate this action, the Court
5 shall allow Plaintiff an opportunity to file a second amended complaint.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations of July 12, 2010 are VACATED;
- 8 2. Plaintiff's request for reassignment of the Magistrate Judge is DENIED;
- 9 3. Plaintiff is GRANTED an extension of time to file a second amended
10 complaint;
- 11 4. Within thirty days from the date of service of this order, Plaintiff shall file a
12 second amended complaint, in compliance with the Court's order of May 3,
13 2010; and
- 14 5. Plaintiff's failure to comply with this order shall result in a recommendation
15 that this action be dismissed.

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17 IT IS SO ORDERED.

18 **Dated: July 29, 2010**

18 /s/ Gary S. Austin
19 UNITED STATES MAGISTRATE JUDGE

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