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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

LAMAR SINGLETON,

Plaintiff,

v.

ELI LILLY CO.,

Defendant.

**CASE NO. 1:10-cv-02019-AWI-SKO**

**ORDER WITHDRAWING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
PLAINTIFF AN EXTENSION OF TIME TO  
FILE AMENDED COMPLAINT**

(Doc. Nos. 8, 9)

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On October 27, 2010, Plaintiff LaMar Singleton ("Plaintiff") filed a complaint against Eli Lilly Co. ("Defendant"). Plaintiff claims that Defendant manufactured, marketed, and sold Zyprexa. Plaintiff asserts that taking Zyprexa caused him to develop type 2 diabetes, obesity, and permanent nerve damage and pain to both feet and hands. Plaintiff states that his claims against Defendant arise under the Eighth and Fourteenth Amendments and requests \$13,000,000 in damages.

On January 28, 2011, the Court dismissed Plaintiff's complaint and granted Plaintiff 30 days to file an amended complaint. (Doc. 7.) Plaintiff failed to file an amended complaint. On March 10, 2011, the Court issued Findings and Recommendations that the matter be dismissed due to Plaintiff's failure to file an amended complaint in compliance with the Court's January 28, 2011, order. (Doc. 8.) On March 31, 2011, Plaintiff filed a request for an extension of time to file an amended complaint. (Doc. 9.) Plaintiff asserts that he mailed an amended complaint to the Court

1 on February 16, 2011, but it was lost in the mail. (Doc. 9, 1:11-13.) Plaintiff also asserts that, due  
2 to medical procedures, he has not been able "to concentrate on [his] legal responsibilities." (Doc.  
3 9, 1:19.)

4 Accordingly, the Court HEREBY ORDERS THAT:

- 5 1. The March 10, 2011, Findings and Recommendations are WITHDRAWN;
- 6 2. Plaintiff shall file an amended complaint on or before May 31, 2011; and
- 7 3. If Plaintiff again fails to file an amended complaint, the Court will recommend that  
8 the action be dismissed.

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10 IT IS SO ORDERED.

11 **Dated:** April 4, 2011

12 /s/ Sheila K. Oberto  
13 UNITED STATES MAGISTRATE JUDGE  
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