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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF WOLINSKI,

Plaintiff,

v.

MAURICE JUNIOUS, et al.,

Defendants.

CASE NO. 1:10-CV-02139-AWI-DLB PC

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS

(DOC. 30)

ORDER GRANTING PLAINTIFF SIXTY  
DAYS TO FILE SECOND AMENDED  
COMPLAINT

Plaintiff Krzysztof Wolinski (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On November 9, 2010, Plaintiff filed his complaint in the Sacramento Division of the Eastern District of California. The action was transferred to the Fresno Division on November 16, 2010. On May 11, 2011, the Court screened Plaintiff’s complaint and dismissed it for failure to state a claim with leave to amend. On May 24, 2011, Plaintiff filed his first amended complaint.

Plaintiff is currently incarcerated at High Desert State Prison (“HDSP”) in Susanville, California. Plaintiff’s amended complaint removed all mention of allegations against any Defendants at North Kern State Prison (“NKSP”) or California State Prison - Sacramento (“CSP-Sac”), which were previously alleged in Plaintiff’s original complaint. In his amended complaint, Plaintiff names only prison officials at HDSP as Defendants. Plaintiff had been granted leave to amend only to cure the deficiencies identified in his original complaint. Plaintiff’s removal of all his previous allegations against NKSP defendants did not comply with

1 the Court's order. On August 23, 2011, the Court issued a Findings and Recommendations  
2 recommending dismissal of the action without prejudice for failure to obey a court order.

3 Pending before the Court is Plaintiff's objection, filed September 16, 2011. Doc. 32.  
4 Plaintiff's objections are a request for extension of time to file an amended complaint. Plaintiff  
5 contends that his legal property was removed and he needs additional time to cure the  
6 deficiencies in his complaint.

7 Good cause having been presented, the Court will grant Plaintiff's request. However, the  
8 Court warns Plaintiff of the following. Plaintiff's original complaint concerned actions at NKSP  
9 and CSP-Sac. The events at each prison were unrelated and belonged in different, separate  
10 actions. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) ("Unrelated claims against  
11 unrelated defendants belong in different suits"). If Plaintiff intends on alleging only claims  
12 against HDSP Defendants, then the Court will dismiss the action for failure to obey a court order,  
13 without prejudice to Plaintiff filing a separate, new action. Plaintiff was granted leave to amend  
14 to cure the deficiencies identified in his **original complaint**. Claims against HDSP would appear  
15 to be unrelated to claims arising at NKSP or CSP-Sac.<sup>1</sup> The Court greatly disfavors any further  
16 extensions of time.

17 Based on the foregoing, it is HEREBY ORDERED that

- 18 1. The Findings and Recommendations, filed August 23, 2011, are VACATED;
- 19 2. Plaintiff is GRANTED sixty days from the date of service of this order in which  
20 to file his second amended complaint; and
- 21 3. Failure to comply with the Court's order stated herein will result in dismissal of  
22 this action for failure to obey a court order.

23 IT IS SO ORDERED.

24 **Dated: October 3, 2011**

25 /s/ Dennis L. Beck  
26 UNITED STATES MAGISTRATE JUDGE

27 \_\_\_\_\_  
28 <sup>1</sup> The Fresno Division is the proper venue for claims arising at NKSP. The Sacramento  
Division is the proper venue for claims arising at CSP-Sac or HDSP.