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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT LEWIS,

Plaintiff,

v.

CITY OF FRESNO, et al.,

Defendants.

CASE NO. 1:11-cv-01415-LJO-SKO

**ORDER GRANTING PLAINTIFF'S
MOTION FOR AN EXTENSION OF
TIME**

(Docket No. 9)

On December 20, 2011, the Court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2). The Court determined that Plaintiff had stated one cognizable claim for excessive force in violation of the Fourth Amendment against Officer Canton. Plaintiff did not, however, state cognizable claims under Section 1983 against Defendants Fresno Police Department or the City of Fresno. The Court informed Plaintiff that he could either file an amended complaint or inform the Court of his willingness to proceed *only* on the claim found cognizable. (Doc. 8, 8:2-5.) The Court further informed Plaintiff that if he failed to either state his willingness to proceed with the cognizable claim or file an amended complaint, the Court would recommend dismissal of all of the claims with the exception of the excessive-force claim. (Doc. 8, 8:6-8.)

On January 18, 2012, Plaintiff filed a motion requesting an extension of 30 to 90 days to either file a statement informing the Court of his willingness to proceed only on the claim found

1 cognizable or file an amended complaint. (Doc. 9.) Plaintiff indicated that he was "requesting a pro
2 bono legal advisor because [he] cannot afford a lawyer." (Doc. 9, p. 1.)¹

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's motion for an extension of time is GRANTED;
- 5 2. Plaintiff shall file **either** a statement of his willingness to proceed on the cognizable
6 claim **or** an amended complaint **on or before March 5, 2012**;
- 7 3. No further extensions of time shall be granted absent a showing of truly good cause;
8 and
- 9 4. If Plaintiff fails to file either a statement of his willingness to proceed on the claim
10 found cognizable or an amended complaint on or before March 5, 2012, the Court
11 will recommend that all claims except the cognizable claim be dismissed with
12 prejudice.

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14 IT IS SO ORDERED.

15 **Dated: January 24, 2012**

16 /s/ Sheila K. Oberto
17 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ¹ To the extent that Plaintiff is requesting appointment of counsel, he must file a motion seeking appointment of counsel.