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

BRADY K. ARMSTRONG,)	Case No.: 1:12-cv-01622-LJO-SAB (PC)
Plaintiff,)	
v.)	ORDER DENYING PLAINTIFF’S FOURTH
J. AGUERERRALDE, et al.,)	MOTION FOR EXTENSOIN OF TIME TO FILE
Defendants.)	AMENDED COMPLAINT AND DENYING
)	REQUEST FOR JUDICIAL NOTICE
)	[ECF Nos. 25, 26]
)	

Plaintiff Brady K. Armonstrong is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Now pending before the Court is Plaintiff’s fourth motion for an extension of time to file an amended complaint, and Plaintiff’s request for judicial notice, filed on February 28, 2014.

I. Fourth Motion for Extension of Time

The Court does not find good cause to extend the deadline a fourth time for Plaintiff to file an amended complaint. Plaintiff has been provided three prior opportunities to file an amended complaint. Plaintiff was forewarned in the Court’s prior order of January 30, 2014, granting the third request for an extension of time that “the Court will not grant additional continuances, absent extraordinary circumstances, not present here.” (ECF No. 24.)

In the present motion, Plaintiff alleges that prison officials are intentionally interfering with his incoming and outgoing mail, lack of transfer to a different level facility, and lack of library access.

1 The Court does not find Plaintiff's allegations to support a finding of good cause as Plaintiff has had
2 nearly four months to file his amended complaint, and to date has failed to do so. The Court's
3 November 14, 2013, screening order summarized Plaintiff's allegations in his initial complaint and
4 provided Plaintiff with the applicable legal standard and the deficiencies as to each of the named
5 defendants. Plaintiff's allegations of interference with mail, lack of transfer, and lack of library access
6 are routine circumstances by virtue of an inmate's incarceration. Accordingly, Plaintiff's fourth
7 motion for an extension of time to file an amended complaint shall be denied. In the interest of
8 justice, the Court will grant Plaintiff ten (10) days from the date of service to file an amended
9 complaint, after which time the matter will be submitted to the Court for final disposition.

10 **II. Request for Judicial Notice**

11 Plaintiff requests the Court to take judicial notice of the fact that prison officials are interfering
12 with his incoming and outgoing mail and he is being denied library access.

13 Rule 201(b) of the Federal Rules of Evidence provides that a court may judicially notice a fact
14 that is not subject to reasonable dispute because it: (1) is generally known within the trial court's
15 territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy
16 cannot reasonably be questioned. Fed. R. Evid. 201(b). The allegations set forth in Plaintiff's request
17 are not factual issues that are subject to judicial notice to substantive Plaintiff's claim, and Plaintiff's
18 request for judicial notice must be denied.

19 Based on the foregoing,

20 **IT IS HEREBY ORDERED** that:

21 1. Plaintiff's fourth motion for an extension of time to file an amended complaint is
22 **DENIED;**

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2. Plaintiff's request for judicial notice is DENIED; and

3. Plaintiff has **ten (10) days** from the date of service of this order to file an amended complaint, after which time the matter will be submitted for final disposition.

IT IS SO ORDERED.

Dated: March 5, 2014



UNITED STATES MAGISTRATE JUDGE