

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD DEUTSCH,
Plaintiff,
vs.
A. ENENMOH, et al.,
Defendants.

) 1:15-CV-00504 LJO DB FC
) ORDER VACATING FINDINGS AND
) RECOMMENDATION TO DISMISS
) ACTION
) [ECF No. 15]
) ORDER GRANTING PLAINTIFF
) EXTENSION OF TIME TO FILE FIRST
) AMENDED COMPLAINT
) [ECF No. 16]

Plaintiff Donald Deutsch (“Plaintiff”) is a state prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on April 8, 2013.

On December 29, 2014, the Court dismissed the complaint for failure to state a claim. Plaintiff was granted thirty (30) days to file an amended complaint. Plaintiff notified the Court of a changed address on January 23, 2015; therefore, the Court re-served the order on February 2, 2015, and reset the deadline for filing an amended complaint. On February 4, 2015, Plaintiff filed a motion for a sixty (60) day extension of time. On February 6, 2015, the Court granted the motion for extension of time and extended the deadline by sixty days. On April 6, 2015, Plaintiff filed a motion for a thirty (30) day extension of time. On April 13, 2015, the Court granted Plaintiff a second extension of time and extended the deadline by an additional thirty (30) days to May 18, 2015. The deadline for filing an amended complaint passed and Plaintiff failed to file

1 an amended complaint or otherwise communicate with the Court. Therefore, on May 28, 2015,
2 the Court issued a Findings and Recommendation which recommended the action be dismissed
3 for failure to state a claim and failure to prosecute.

4 On June 15, 2015, Plaintiff filed the instant motion requesting leave to file a First
5 Amended Complaint. Plaintiff states he was preparing to file his First Amended Complaint prior
6 to the May 18, 2015, deadline. However, without advance notice, he was advised by prison staff
7 on May 15, 2015, to take his property to be packed up since he was being transferred from
8 Avenal State Prison back to Valley State Prison due to a negative skin test for Valley Fever.
9 Plaintiff states he arrived at Valley State Prison on May 27, 2015, and has not been given his
10 property which contains his legal documents. Plaintiff asks that he be granted additional time to
11 file his First Amended Complaint in light of the above.
12

13 Good cause having been presented, and GOOD CAUSE APPEARING THEREFOR, the
14 Court hereby VACATES the Findings and Recommendation of May 28, 2015. Plaintiff is
15 GRANTED an additional thirty (30) days to file his First Amended Complaint. Plaintiff is
16 advised that absent extraordinary circumstances, no further extensions will be granted, and
17 failure to file a First Amended Complaint within the time provided will result in dismissal of the
18 action.
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20 IT IS SO ORDERED.
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22 Dated: June 25, 2015

/s/ Dennis L. Beck

23 UNITED STATES MAGISTRATE JUDGE
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