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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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10   ANTHONY BELL,   Case No. 1:13-cv-01594-SKO (PC)

11   Plaintiff,   ORDER DENYING MOTION FOR STAY
                                                       AND GRANTING THIRTY-DAY
12   v.   EXTENSION OF TIME TO FILE AMENDED
                                                       COMPLAINT
13   DR. JACK ST. CLAIR, et al.,
                                                       (Doc. 22)
14   Defendants.
      _____/

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16   Plaintiff Anthony Bell, a state prisoner proceeding pro se and in forma pauperis, filed this

17   civil rights action pursuant to 42 U.S.C. § 1983 on October 1, 2013. On May 20, 2014, the Court

18   dismissed Plaintiff's complaint, with leave to amend, for failure to state a claim. On July 3, 2014,

19   Plaintiff filed a motion seeking to stay this action until he is released from custody.[1]

20   Plaintiff did not state when he anticipates release from custody and his status as a prisoner

21   proceeding pro se does not provide grounds to stay this action indefinitely. The Court will grant a

22   thirty-day extension of time to amend. In the alternative, Plaintiff may elect to dismiss the action

23   voluntarily and pursue it at a later date, as he previously attempted to do.[2]

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26   [1] Plaintiff previously filed a notice of voluntary dismissal and a motion for a stay, but neither filing was signed and
      they were stricken from the record. Fed. R. Civ. P. 11(a); Local Rule 130. (Docs. 18-21.)

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      [2] If Plaintiff files a notice of voluntary dismissal, the dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1)(A), (B).
28   However, the Court expresses no opinion regarding the effect of the statute of limitations on Plaintiff's claims, or on
      any other issue which may affect the viability of Plaintiff's claims.

1   Accordingly, Plaintiff's motion for a stay is HEREBY DENIED, but Plaintiff is

2 GRANTED a thirty-day extension of time to file an amended complaint in compliance with the

3 screening order.

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5 IT IS SO ORDERED.

6   Dated: **July 8, 2014**   **/s/ Sheila K. Oberto**

UNITED STATES MAGISTRATE JUDGE