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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF CALIFORNIA**

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9 VERNON MCNEAL,) 1:14-cv-00030-BAM (PC)
10 Plaintiff,)
11 v.) ORDER DISREGARDING PLAINTIFF’S
12 D. GONZALEZ,) RESPONSE TO SCREENING ORDER
13 Defendant.) (ECF No. 13)
14) ORDER GRANTING EXTENSION OF
15) TIME TO FILE AMENDED COMPLAINT
16) THIRTY-DAY DEADLINE
17)

18 Plaintiff Vernon McNeal (“Plaintiff”) is a state prisoner proceeding pro se and in forma
19 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On October 15, 2014, the Court
20 dismissed Plaintiff’s complaint with leave to amend within thirty days. (ECF No. 10.) On
21 October 29, 2014, the Court granted Plaintiff’s request for a thirty-day extension of time to file
22 an amended complaint. (ECF No. 12.) Plaintiff’s first amended complaint was due on
23 December 1, 2014.

24 On December 1, 2014, in lieu of an amended complaint, Plaintiff filed a response to the
25 Court’s screening order. (ECF No. 13.) Plaintiff’s response shall be disregarded. As stated in
26 the order of October 15, 2014, Plaintiff’s complaint has been dismissed with leave to amend.
27 Based on the dismissal, there is no operative complaint on file in this matter. Therefore, if
28 Plaintiff wishes to pursue this action, he must file an amended complaint in compliance with the
Court’s order.

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1 Based on the foregoing, it is HEREBY ORDERED that:

- 2 1. Plaintiff's response to the screening order, filed on December 1, 2014, is
3 DISREGARDED;
- 4 2. Within thirty (30) days form the date of service of this order, Plaintiff shall file a first
5 amended complaint; and
- 6 **3. If Plaintiff fails to file a first amended complaint in compliance with this Court's**
7 **orders, this action will be dismissed for failure to obey court orders.**

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9 IT IS SO ORDERED.

10 Dated: December 2, 2014

11 /s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE