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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 JOHN S. GARIBAY

10 Plaintiff,

11 vs.

12 NORM KRAMER, et al.,

13 Defendants.  
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1:14-cv-01506-AWI-GSA-PC

ORDER EXTENDING TIME TO FILE  
FIRST AMENDED COMPLAINT

DEADLINE: JANUARY 6, 2015

15 John S. Garabay (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis  
16 with this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint commencing this  
17 action was filed by Plaintiff and fifteen co-plaintiffs on June 18, 2014. (Doc. 1.) On  
18 September 26, 2014, the court issued an order severing the plaintiffs’ claims, opening nineteen  
19 new cases, and ordering Plaintiff and each co-plaintiff to file a First Amended Complaint in his  
20 own action within thirty days. (Doc. 41.)

21 The thirty-day deadline has expired, and Plaintiff has not filed an amended complaint in  
22 this case. However, in the interim, Plaintiff and his former co-plaintiffs filed a motion for  
23 reconsideration in case 1:14-cv-00939-AWI-GSA-PC, which raised questions about the status  
24 of the plaintiffs’ cases and whether they would be required to file amended complaints in their  
25 own cases.<sup>1</sup> The motion for reconsideration is now resolved, and Plaintiff is required to file a  
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27 <sup>1</sup> On November 17, 2014, in case 1:14-cv-00939-AWI-GSA-PC , Plaintiff and the fifteen former  
28 co-plaintiffs filed a motion for reconsideration of the court’s orders denying the appointment of counsel and class  
action certification. (1:14-cv-00939, Doc. 44.) On November 25, 2014, the motion for consideration was denied.  
(1:14-cv-00939, Doc. 45.)

1 First Amended Complaint in this case, pursuant to the court's order of September 26, 2014. At  
2 this juncture, good cause appearing, Plaintiff shall be granted an extension of time in which to  
3 file the First Amended Complaint.

4 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff is GRANTED an extension of time **until January 6, 2015**, to file a  
6 First Amended Complaint in this action, pursuant to the court's order of  
7 September 26, 2014; and
- 8 2. Plaintiff's failure to comply with the court's order shall result in the dismissal of  
9 this case.

10 IT IS SO ORDERED.

11 Dated: **November 26, 2014**

12 **/s/ Gary S. Austin**  
13 UNITED STATES MAGISTRATE JUDGE