

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 FRANK SUMAHIT,

11 Plaintiff,

12 vs.

13 NORM KRAMER, et al.,

14 Defendants.
15

1:14-cv-01518-AWI-GSA-PC

SECOND ORDER EXTENDING TIME TO
FILE FIRST AMENDED COMPLAINT

DEADLINE: MARCH 30, 2015

16 Frank Sumahit (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis
17 with this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint commencing this
18 action was filed by Plaintiff and fifteen co-plaintiffs on June 18, 2014. (Doc. 2.) On
19 September 26, 2014, the court issued an order severing the plaintiffs’ claims, opening new
20 cases for the co-plaintiffs, and ordering Plaintiff and each co-plaintiff to file a First Amended
21 Complaint in his own action within thirty days. (Doc. 1.) On November 26, 2014, Plaintiff
22 was granted an extension of time until January 6, 2015 in which to file the First Amended
23 Complaint. (Doc. 4.)

24 On December 12, 2014, Plaintiff and fifteen co-plaintiffs filed two appeals to the Ninth
25 Circuit court of appeals, which were assigned case numbers #14-17453 and #14-17456. (See
26 case 1:14-cv-00939-AWI-GSA-PC, Docs. 47, 48.) On January 12, 2015, the Ninth Circuit
27 dismissed the appeals for lack of jurisdiction. (Id., Doc. 53.) On February 5, 2015, the Ninth
28 Circuit entered the mandate. (Id., Doc. 54.)

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

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

- 6 1. Plaintiff is GRANTED an extension of time until March 30, 2015, to file a First
7 Amended Complaint in this action, pursuant to the court's order of September
8 26, 2014; and
- 9 2. Plaintiff's failure to comply with the court's order shall result in the dismissal of
10 this case.

11 IT IS SO ORDERED.

12 Dated: February 19, 2015

13 /s/ Gary S. Austin
14 UNITED STATES MAGISTRATE JUDGE