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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

VANCE EDWARD JOHNSON,  
Plaintiff,  
v.  
BARAJAS, et al.,  
Defendants.

Case No. 1:14-cv-01690 LJO DLB PC

ORDER VACATING ORDER TO SHOW  
CAUSE AND GRANTING PLAINTIFF  
EXTENSION OF TIME TO FILE  
AMENDED COMPLAINT OR NOTIFY  
COURT OF WILLINGNESS TO PROCEED  
ON COGNIZABLE CLAIM

Plaintiff is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983.

On June 24, 2016, the Court screened the First Amended Complaint and determined that Plaintiff stated a claim of cruel and unusual punishment in violation of the Eighth Amendment against Defendant Barajas. The Court found that Plaintiff failed to state any other claims. Accordingly, Plaintiff was ordered to notify the Court of his willingness to proceed with the cognizable claim, or in the alternative, file a Second Amended Complaint within thirty days of the date of service of the order. Over thirty days passed and Plaintiff failed to comply. Accordingly, on August 9, 2016, the Court issued an order directing Plaintiff to show cause why the action should not be dismissed for failure to comply with a court order.

On August 22, 2016, Plaintiff filed a response to the order to show cause. Plaintiff states he was out to court at the Santa Rita Jail in custody of the Alameda County Sheriff's Department

1 at the time the Court's orders were issued. Plaintiff states that while he was out to court he filed  
2 a request for a sixty day extension of time of any pending deadlines in case no. 1:15-cv-1915-  
3 LJO-SAB. Plaintiff claims the Court wrongfully denied his request for an extension of time in  
4 error. He further states the Court's orders must have been lost during Plaintiff's various moves  
5 because he never received them.

6 The Court finds good cause to grant an extension of time in this case in light of Plaintiff's  
7 various address changes during the time the Court's orders were issued. However, Plaintiff's  
8 attempt to place the blame on the Court for the filing of his motion is not well-taken. Plaintiff  
9 filed a motion for an extension of time in case no. 1:15-cv-1915-LJO-SAB, but he did not file a  
10 motion for extension of time in this case. The motion was addressed by the Court in that case as  
11 it pertained to that case. Plaintiff states he referenced a number of cases within the body of his  
12 motion; however, this is not the proper place to designate the case in which the document is to be  
13 filed. Plaintiff must state the file number of the action in the caption appearing at the top of his  
14 document. *See* Local Rule 133(g). The Clerk's Office does not review the entire contents of  
15 each document to determine where the document should be filed. The Clerk's Office looks only  
16 to the caption and title for this information. In the future, Plaintiff is advised that if he desires his  
17 document to be filed in a specific case, he must identify the case number in the caption and title  
18 of the document as provided in Local Rule 133(g).

19 Accordingly, IT IS HEREBY ORDERED:

- 20 1) The order to show cause of August 9, 2016, is VACATED, and
- 21 2) Plaintiff is GRANTED an extension of time of thirty days to comply with the Court's  
22 order of June 24, 2016.

23 IT IS SO ORDERED.  
24

25 Dated: August 26, 2016

26 /s/ Dennis L. Beck  
27 UNITED STATES MAGISTRATE JUDGE  
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