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

ALBERT BILLINGER
Plaintiff,
v.
YATES,
Defendant.

Case No.: 1:14-cv-02031-BAM (PC)
ORDER TERMINATING APPOINTMENT
OF LIMITED PURPOSE COUNSEL
(ECF No. 28)
ORDER DIRECTING PLAINTIFF TO FILE
AN AMENDED COMPLAINT
THIRTY-DAY DEADLINE

Plaintiff Albert Billinger (“Plaintiff”) is a state prisoner proceeding in forma pauperis in this civil action pursuant to 42 U.S.C § 1983. On April 9, 2015, the Court dismissed Plaintiff’s first amended complaint with leave to amend. (ECF No. 25.) Thereafter, on April 20, 2015, the Court appointed counsel Rebecca A. Weinstein-Hamilton for the limited purpose of investigating the claim, then drafting and filing an amended complaint within 90 days. The Court’s order provided that counsel’s limited appointment would terminate when Plaintiff’s amended complaint was filed or counsel filed a notice that an amended complaint would not be appropriate. (ECF No. 28.) On June 23, 2015, counsel filed a notice that an amended complaint would not appropriate. (ECF No. 29.)

Accordingly, IT IS HEREBY ORDERED that:

1. Rebecca A. Weinstein-Hamilton’s appointment as counsel on behalf of Plaintiff is
TERMINATED;

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- 2. Plaintiff is substituted as counsel in pro se;
- 3. If Plaintiff wishes to proceed in this action, then he must file an amended complaint within **thirty (30) days**. Alternatively, if Plaintiff does not wish to proceed, then he should file a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1);
- 4. Plaintiff is notified that his failure to comply with this order will result in dismissal of this action; and
- 5. The Clerk of the Court is directed to serve a copy of this order upon Rebecca A. Weinstein-Hamilton, Law Office of Rebecca Weinstein-Hamilton, 3276 Amethyst Dr., Cameron Park, California 95682.

IT IS SO ORDERED.

Dated: June 25, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE