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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN CARLOS ALVAREZ,

Plaintiff,

v.

ALEX CHAVARRIA, et al.,

Defendants

Case No.: 1:16-cv-00067----MJS

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR EXTENSION OF TIME
TO FILE A FIRST AMENDED
COMPLAINT**

(ECF NO. 5)

ORDER DIRECTING PLAINTIFF TO:

- 1) SUBMIT APPLICATION TO
PROCEED IN FORMA PAUPERIS
OR PAY FILING FEE WITHIN
THIRTY DAYS; AND**
- 2) FILE FIRST AMENDED
COMPLAINT WITHIN THIRTY
DAYS**

THIRTY (30) DAY DEADLINE

**CLERK OF COURT TO SEND
PLAINTIFF:**

- 1) BLANK CIVIL RIGHTS
COMPLAINT FORM;**
- 2) APPLICATION TO PROCEED IN
FORMA PAUPERIS FOR A
PRISONER;**
- 3) COPIES OF ECF NOS. 1 AND 4**

Plaintiff, who is currently incarcerated at High Desert State Prison in Susanville, California, proceeds pro se in a civil rights action pursuant to 42 U.S.C. § 1983.

On January 15, 2016, Plaintiff filed a civil rights complaint. (ECF No. 1.) In a May 23, 2016, order, the Court screened and dismissed Plaintiff's complaint with thirty days

1 leave to amend. (ECF No. 4.)

2 Plaintiff has not yet paid the filing fee or submitted an application to proceed in
3 forma pauperis pursuant to 28 U.S.C. § 1915. Accordingly, the Court ordered Plaintiff to
4 submit an application to proceed in forma pauperis or pay the filing fee in full within forty-
5 five days. (ECF No. 3.)

6 On June 3, 2016, both of the above orders were returned to the Clerk of Court as
7 undeliverable.

8 On August 11, 2016, Plaintiff filed a document styled as a “Motion for
9 Reconsideration.” (ECF No. 5.) It does not seek reconsideration of any order of the
10 Court; it asks for a “renewed and reinstated” time for amending his complaint. The Court
11 therefore construes this as a motion for an extension of time.

12 Plaintiff avers that in March 2016, he was transferred from the Kings County Jail
13 in Hanford, California to Wasco State Prison in Wasco, California, at which time he
14 submitted a change of address form to the Court reflecting this transfer. The Court has
15 no record of such a form.

16 Plaintiff further states that on June 2, 2016, he was transferred to High Desert
17 State Prison in Susanville, California, where he remains incarcerated.

18 On August 3, 2016, Plaintiff learned, “through an attorney,” of the two orders
19 discussed above. Plaintiff denies ever having received a copy of these orders.

20 Plaintiff now asks for another copy of the order dismissing Plaintiff’s first complaint
21 and for an additional thirty days to amend.

22 Good cause having been shown, the Court will grant Plaintiff thirty days from the
23 date of this order to file a first amended complaint. **Plaintiff must also comply with the**
24 **requirements** set forth below.

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. Plaintiff’s motion for an extension of time to file a first amended complaint
27 (ECF No. 5) is GRANTED;
- 28 2. Plaintiff must file his first amended complaint within thirty days of this order;

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- 3. Within thirty days of this order, Plaintiff must either:
 - a. Pay the \$400.00 filing fee in full; or
 - b. Submit an application to proceed in forma pauperis;
- 4. The Clerk of Court shall send Plaintiff:
 - a. A blank civil rights complaint form;
 - b. An application to proceed in forma pauperis for a prisoner;
 - c. A copy of Plaintiff's complaint filed January 15, 2016 (ECF No. 1); and
 - d. A copy of ECF No. 4; and
- 5. Plaintiff shall keep the Court and opposing parties informed of his correct address and notify the Court immediately of any changes pursuant to Local Rule 182(f).
- 6. If Plaintiff fails to comply with this order, the undersigned will recommend dismissal of this action for failure to obey a Court order and failure to prosecute.

IT IS SO ORDERED.

Dated: September 21, 2016

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE