## 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 1:16-cv-00589 GSA (PC) ELVIS VENABLE, 11 ORDER DENYING PLAINTIFF'S MOTION Plaintiff. 12 TO EXTEND TIME TO FILE AMENDED COMPLAINT, WITHOUT PREJUDICE v. 13 (ECF Nos. 20, 21) M.D. STAINER, et al., 14 20-DAY DEADLINE FOR PLAINTIFF TO FILE NEW MOTION FOR EXTENSION OF Defendants. 15 TIME 16 17 18 Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 19 1983. On September 1, 2016, Plaintiff consented to Magistrate Judge jurisdiction in this action 20 pursuant to 28 U.S.C. § 636(c), and no other parties have made an appearance. (ECF No. 10.) 21 Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, 22 the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3). 23 On January 12, 2017, and February 10, 2017, Plaintiff filed motions to extend time to file 24 an amended complaint, pursuant to the court's order issued on June 17, 2016. 25 These are Plaintiff's fifth and sixth motions for extension of time. Plaintiff asserts that he 26 is a novice in the law and needs more access to the law library before he can file the amended 27

complaint.

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Plaintiff has not shown good cause for the court to grant him another extension of time to file the amended complaint. It has been more than seven months since the court issued its order requiring Plaintiff to file the amended complaint. The court's order gave Plaintiff ample guidance, explaining at length why Plaintiff's complaint was deficient and how to cure the deficiencies. Plaintiff does not need to conduct extensive research at the law library to prepare the amended complaint. Plaintiff was given the applicable law in the court's order. As instructed by the order, Plaintiff needs to file an amended complaint alleging the facts of his case in detail, explaining what happened and what he knows.

Therefore, Plaintiff's motion for extension of time shall be denied, without prejudice to renewal of the motion within twenty days. Plaintiff shall be granted twenty days in which to file a new motion for extension of time, showing good cause. No further extensions shall be granted without a showing of good cause.

Accordingly, based on the foregoing, IT IS HEREBY ORDERED that:

- 1. Plaintiff's motions for extension of time, filed on January 12, 2017, and February 10, 2017, are DENIED, without prejudice;
- 2. Plaintiff is granted twenty days from the date of service in which to file a new motion for extension of time, showing good cause; and
- 3. Plaintiff's failure to comply with this order may result in dismissal of this case without further notice.

IT IS SO ORDERED.

Dated: February 22, 2017 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE