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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD C. SAPIEN,
Plaintiff,
v.
AUDREY CHAPPELLE, et al.,
Defendants.

CASE NO. 1:16-cv-0910-DAD-MJS

ORDER

- (1) VACATING FINDINGS AND RECOMMENDATIONS; AND**
 - (2) GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME**
- (ECF Nos. 6-7)**

FIRST AMENDED COMPLAINT DUE WITHIN THIRTY (30) DAYS

Plaintiff is proceeding pro se and in forma pauperis in this action filed on June 24, 2016. Plaintiff's complaint was previously dismissed for failure to state a claim, though he was granted leave to amend. When Plaintiff failed to file an amended complaint, the undersigned issued Findings and Recommendations to dismiss this action without prejudice for failure to obey a court order and failure to prosecute. (ECF No. 6.) Plaintiff has now filed a motion for extension of time to file his amended complaint. (ECF No. 7.)

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations (ECF No. 6) are VACATED;

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2. Plaintiff's request for an extension of time (ECF No. 7) is GRANTED;
3. Within thirty (30) days from the date of this order, Plaintiff shall a first amended complaint curing the deficiencies identified by the Court in its Screening Order;
4. The Clerk of Court shall re-send a copy of the March 22, 2017, Screening Order (ECF No. 4) to Plaintiff; and
5. If Plaintiff again fails to file a first amended complaint or otherwise respond to this Order, this action is subject to dismissal for failure to comply with a court order and failure to prosecute.

IT IS SO ORDERED.

Dated: October 30, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE