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## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

EDWARD THOMAS,

Plaintiff,

v.

S. PARKS, et al.,

Defendants.

Case No. 1:16-cv-01393-LJO-SKO (PC)

ORDER DISCHARGING ORDER TO SHOW CAUSE AND EXTENDING DEADLINE FOR PLAINTIFF TO FILE A FIRST AMENDED COMPLAINT

(Doc. 27, 29)

THIRTY (30) DAY DEADLINE

Plaintiff, Edward Thomas, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The Court issued an order finding that Plaintiff failed to state any cognizable claims, dismissing the Complaint, and granting Plaintiff leave to file a first amended complaint within thirty days. (Doc. 17, "the screening order.") Three months passed without Plaintiff having filed a first amended complaint or other response to the screening order. On September 20, 2017, an order issued for Plaintiff to show cause why the action should not be dismissed for his failure to state a claim and to comply with the screening order. (Doc. 27, "the OSC.")

In response to the OSC, Plaintiff requests a fifteen day extension to file a first amended complaint, contending that a bone in his right hand is broken, which makes writing painful, and that he has been unable to access his typewriter. (Doc. 29.) The screening order issued on June 6, 2017. (Doc. 17.) However, the medical records Plaintiff submitted in response to the OSC show that Plaintiff's hand was fractured on July 27, 2017. (Doc. 29, pp. 19-26.) Plaintiff

1	provides no explanation as to why he did not file a first amended complaint in the month and a
2	half before he fractured his hand. Thus, while Plaintiff's response to the OSC is accepted and
3	Plaintiff is granted an extension of time to file a first amended complaint, Plaintiff's failure to do
4	so in compliance with this order will result in recommendation that this case be dismissed
5	for Plaintiff's failure to obey the Court's orders and to state a claim.
6	Accordingly, the order to show cause that issued on September 20, 2017, is <b>HEREBY</b>
7	<b>DISCHARGED</b> and Plaintiff is granted <u>thirty (30) days</u> from the date of service of this order to
8	file a first amended complaint; alternatively, within that same time, Plaintiff may file a notice of
9	voluntary dismissal.
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11	IT IS SO ORDERED.
12	Dated: October 18, 2017 /s/ Sheila K. Oberto
13	UNITED STATES MAGISTRATE JUDGE
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27	Prior to the date when Plaintiff broke his hand, Plaintiff filed motions for access to his typewriter, which were depied for lack of jurisdiction. (Docs. 11, 18, 19, 22, 23.) Waiting for a more convenient form of writing such as a

Prior to the date when Plaintiff broke his hand, Plaintiff filed motions for access to his typewriter, which were denied for lack of jurisdiction. (Docs. 11, 18, 19, 22, 23.) Waiting for a more convenient form of writing such as a typewriter, however, does not justify Plaintiff's failure to request an extension of time to file a first amended complaint.