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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICKY RIVERA,  
Plaintiff,  
v.  
DAVE DAVEY, et al.,  
Defendants.

Case No.: 1:16-cv-01817-AWI-BAM (PC)  
**ORDER VACATING FINDINGS AND RECOMMENDATIONS**  
(ECF No. 15)  
**ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE AMENDED COMPLAINT WITHIN THIRTY DAYS**  
(ECF No. 16)

Plaintiff Ricky Rivera is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil action pursuant to 42 U.S.C. § 1983.

On January 10, 2018, the Court issued findings and recommendations to dismiss this action, with prejudice, for the failure to state a claim, failure to obey a court order, and failure to prosecute, based on Plaintiff's failure to state a cognizable claim in his complaint and failure to file any amended complaint despite being granted leave to amend. (ECF No. 15.)

Currently before the Court is Plaintiff's request for an extension of time to file an amended complaint, filed on January 12, 2018. (ECF No. 16.) Plaintiff seeks an extension of time based on holiday law library closures which limited his ability to work on an amended pleading. Plaintiff's motion attaches a proof of service stating it was delivered to prison officials for mailing on December 20, 2017, although the Court did not receive the mailing until January 12, 2018. The mailing delay may have been caused by the holidays, and thus the Court does not find undue delay or bad faith by Plaintiff here.

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For good cause shown, it is HEREBY ORDERED that:

1. The findings and recommendations issued on January 10, 2018 (ECF No. 15), are vacated;
2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file an amended complaint;
3. **No extension of time of the deadline set in this order shall be granted absent a request showing good cause filed before the expired deadline.**

IT IS SO ORDERED.

Dated: January 16, 2018

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE