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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL PHILLIPS,

Plaintiff,

v.

SECRETARY OF NAVY,

Defendant.

No. 1:16-cv-01944-DAD-SKO

ORDER GRANTING PLAINTIFF'S MOTION
FOR EXTENSION OF TIME TO FILE A
SECOND AMENDED COMPLAINT

(Doc. Nos. 37, 41)

On August 25, 2017, this court granted defendant's motion to dismiss plaintiff's complaint with leave to amend. (Doc. No. 34.) On September 22, 2017, plaintiff Darryl Phillips filed a motion for an extension to file an amended complaint. (Doc. No. 37.) Therein, plaintiff represents that he has been attempting to obtain counsel to represent him in this matter and argues that given the relative dearth of attorneys familiar with military law, he requires additional time to file a second amended complaint. (*Id.*) On September 25, 2017, plaintiff Phillips also filed an unexecuted stipulation to the same effect. (*See* Doc. No. 41.) On that same day, defendant filed a notice with the court expressing no position with respect to plaintiff's motion, but requesting sixty days to file a response, in accordance with Rule 12(a)(2) of the Federal Rules of Civil Procedure, should plaintiff's motion be granted and an amended complaint be filed. (Doc. No. 36.)

The court finds good cause to grant plaintiff an extension of time to file his second amended complaint. The court further notes, however, that it is not inclined to grant plaintiff any

1 further extension of the time to file an amended complaint absent compelling circumstances.

2 Accordingly,

- 3 1. Plaintiff's motion for an extension of time to file a second amended complaint (Doc.
4 No. 37) is granted;¹
- 5 2. If he wishes to pursue this action, plaintiff shall file a second amended complaint
6 within thirty (30) days of the date of service of this order;
- 7 3. Any failure to file a second amended complaint within the time provided will likely
8 result in the dismissal of this action; and
- 9 4. Should plaintiff timely file a second amended complaint, defendant shall file and serve
10 a response in accordance with Rule 12(a) of the Federal Rules of Civil Procedure.

11 IT IS SO ORDERED.

12 Dated: September 27, 2017

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15 UNITED STATES DISTRICT JUDGE

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28 ¹ Plaintiff's separate unsigned stipulation (Doc. No. 41) is therefore denied as having been rendered moot by this order.