

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FELIPE MENDEZ, JR.,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA, et al.,  
Defendants.

**1:17-cv-00555-LJO-MJS (PC)**  
**ORDER GRANTING PLAINTIFF'S  
REQUEST TO WITHDRAW NOTICE OF  
WILINGNESS TO PROCEED**  
**(ECF No. 17)**  
**ORDER GRANTING PLAINTIFF'S  
SECOND MOTION TO EXTEND TIME TO  
FILE SECOND AMENDED COMPLAINT**  
**(ECF No. 18)**  
**SIXTY DAY DEADLINE**

Plaintiff is a prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) and the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680 ("FTCA").

On July 11, 2017, the Court screened Plaintiff's first amended complaint and found it stated cognizable Eighth Amendment claims against Defendants Ghotra, Awad, Rivera, Mendoza, Lake, Lozano, Marlow, Cisneros, Amos, and Gramm. (ECF No. 11.)

1 Plaintiff was directed to file either a second amended complaint or a notice of willingness  
2 to proceed on his cognizable claims only. After first seeking an extension of time in  
3 which to file his second amended complaint, on September 13, 2017, Plaintiff filed a  
4 notice of willingness to proceed on his cognizable claims only. (ECF No. 16.) On  
5 September 25, 2017, Plaintiff filed a request to withdraw his notice of willingness to  
6 proceed (ECF No. 17) and a request for a sixty day extension of time to file a second  
7 amended complaint (ECF No. 18.)

8 As Plaintiff's first amended complaint has not been sent out for service, his  
9 request to withdraw his notice of willingness to proceed is GRANTED. Additionally,  
10 Plaintiff will be GRANTED sixty days to file his second amended complaint. **No further**  
11 **extensions of time will be granted.**

12 IT IS SO ORDERED.

13  
14 Dated: September 26, 2017

/s/ Michael J. Seng  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28