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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 JASON ALLAN SINGER, 1:17-cv-00725-DAD-EPG
12 Plaintiff, ORDER VACATING FINDINGS AND
13 RECOMMENDATIONS ENTERED
14 v. ON JULY 31, 2017
15 MATTHEW BRAMAN, et al. (ECF Nos. 11, 14, 15.)
16 Defendants.

17 Plaintiff Jason Allan Singer, appearing *pro se* and *in forma pauperis*, filed a Complaint
18 on May 18, 2017. (ECF No. 1.) The Complaint alleges violations of 42 U.S.C. § 1983 against
19 Defendants Downtowner Inn in Bakersfield, California; Matthew Braman, the night manager of
20 the Downtowner Inn; Sandy Cartwright, the night clerk at the Downtowner Inn; and Stephany
21 Munoz, a room cleaner at the Downtowner Inn. Plaintiff alleges that Defendants conspired with
22 the Bakersfield Police Department to cause him injury. *Id.*

23 The Court screened Plaintiff's complaint pursuant to its authority under 28 U.S.C. §
24 1915(e)(2). On June 15, 2017, the Court issued an Order dismissing the Complaint with leave
25 to amend, finding that Plaintiff had failed to state a claim upon which relief could be granted.
26 (ECF No. 11.) The Order instructed Plaintiff to file an amended complaint on or before July 17,
27 2017. *Id.* at 6. The Order also warned, "Failure to file an amended complaint by the date
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1 specified will result in dismissal of this action.” *Id.* Plaintiff failed to file an amended complaint
2 by the date specified.

3 On July 31, 2017, this Court issued a Findings and Recommendations recommending
4 that this action be dismissed for Plaintiff’s failure to state a claim, failure to prosecute, and
5 failure to comply with the Court’s June 15, 2017 Order. (ECF No. 14.) The Court instructed
6 Plaintiff to file written objections within fourteen (14) days after being served with the Findings
7 and Recommendations. *Id.* at 3. Plaintiff was served with the Findings and Recommendations
8 by mail on July 31, 2017. Plaintiff did not file written objections to the Findings and
9 Recommendations.

10 Now before the Court is Plaintiff’s motion for an extension of time to file an amended
11 complaint submitted on August 14, 2017. (ECF No. 15.) Plaintiff states that he is currently
12 researching his legal claims and is requesting an extension in order to properly amend his
13 complaint. *Id.*

14 Although Plaintiff has consistently failed to meet deadlines and to comply with this
15 Court’s order, in the interest of justice, this Court shall grant Plaintiff’s request for an extension
16 of time to file an amended complaint. Plaintiff is directed to file an amended complaint no later
17 than **October 6, 2017**. The Court warns, however, that if Plaintiff again fails to file an
18 amended complaint by the specified date, it will issue a final Findings and Recommendations
19 recommending the dismissal of this action **without further extension**.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. The Findings and Recommendations entered on July 31, 2017 are VACATED;
22 2. Plaintiff is granted leave to file an amended complaint on or before **October 6,**
23 **2017.**

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25 IT IS SO ORDERED.

26 Dated: September 7, 2017

27 /s/ Eric P. Groj
28 UNITED STATES MAGISTRATE JUDGE