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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

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12 JASON ALLAN SINGER,

13 Plaintiff,

14 v.

15 MATTHEW BRAMAN, *et al.*

16 Defendants.

1:17-cv-00725-DAD-EPG

**ORDER GRANTING EXTENSION
TO OF TIME TO FILE AMENDED
COMPLAINT**

(ECF No. 17)

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 On August 14, 2017, Plaintiff filed a motion for an extension of time to file an amended
11 complaint. (ECF No. 15.) Plaintiff stated that he was researching his legal claims and was
12 requesting an extension in order to properly amend his complaint. *Id.* Although Plaintiff
13 consistently failed to meet deadlines and to comply with this Court’s orders, in the interest of
14 justice, the Court granted Plaintiff’s request for an extension of time. Plaintiff was directed to
15 file an amended complaint no later than October 6, 2017. The Court warned that if Plaintiff
16 failed to file an amended complaint by this deadline, the Court would issue a final Findings and
17 Recommendations recommending the dismissal of this action.

18 Now before the Court is Plaintiff’s request for an extension of time to file an amended
19 complaint. (ECF No. 17.) Plaintiff states that his prison facility was under lockdown for two
20 months, and he has not been provided legal library access to complete his research to file an
21 amended complaint. *Id.*

22 Although Plaintiff has consistently failed to meet court-ordered deadlines, the Court
23 will, in the interest of justice, again grant Plaintiff a **thirty (30) day** extension to file his
24 amended complaint. This will be the final extension. If Plaintiff fails to file an amended
25 complaint within thirty days from the date of service of this order, the Court will issue a final
26 Findings and Recommendations recommending the dismissal of this action.

27 Accordingly, IT IS HEREBY ORDERED that:

- 28 1. Plaintiff is granted an extension of time to file an amended complaint.

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2. Plaintiff shall file his amended complaint within **thirty (30) days** from the date of service of this order upon Plaintiff.

IT IS SO ORDERED.

Dated: October 11, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE