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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT MITCHELL,

 Plaintiff,

 v.

CDCR SECRETARY JEFFERY BEARD, et
al.,

 Defendants.

Case No. 1:17-cv-01032-DAD-SAB (PC)

ORDER STRIKING FIRST AMENDED
COMPLAINT AS VIOLATION OF
COURT’S AUGUST 23, 2017 ORDER,
WITH LEAVE TO AMEND

[ECF No. 19]

Plaintiff Robert Mitchell (“Plaintiff”), a former state prisoner, proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 12, 2017 in the Central District of California. On August 3, 2017, the matter was transferred to the Eastern District of California.

On August 23, 2017, the Court dismissed Plaintiff’s complaint for failure to state a claim under section 1983 and ordered Plaintiff to file an amended complaint within thirty days. (ECF No. 11.) On September 25, 2017, Plaintiff filed objections to the order, and on October 2, 2017, the Court overruled Plaintiff’s objections and granted Plaintiff an additional thirty days to file an amended complaint. (ECF Nos. 13, 14.) After more than thirty days passed and Plaintiff failed to file an amended complaint, the Court issued Findings and Recommendations recommending dismissal of the action for failure to comply with a court order and failure to state a cognizable claim on November 13, 2017.

1 On November 20, 2017, the Court received a letter from Plaintiff, along with a first
2 amended complaint. (ECF Nos. 18, 19.) Based on Plaintiff's November 20, 2017 filings, the
3 Court vacated the November 13, 2017 Findings and Recommendations and noted that Plaintiff's
4 first amended complaint would be screened in due course.

5 Plaintiff's first amended complaint is 57 pages, excluding exhibits in excess of the 25-
6 page limit established by the Court's screening order of August 23, 2017. (ECF No. 11.)
7 Accordingly, Plaintiff's first amended complaint shall be stricken from the record, and Plaintiff
8 may file a second amended complaint that complies with the 25-page limit within thirty days
9 from the date of service of this order.

10 Based on the foregoing, it is HEREBY ORDERED that:

11 1. Plaintiff's first amended complaint, filed on November 20, 2017 (ECF No. 19), is
12 stricken from the record;

13 2. Within thirty days from the date of service of this order, Plaintiff may file a
14 second amended complaint that does not exceed the 25-page limit; and

15 3. Failure to comply with this order will result in a recommendation to the District
16 Judge that the action be dismissed for failure to comply with a court order and for the reasons
17 explained in the Court's August 23, 2017 screening order.

18 IT IS SO ORDERED.

19 Dated: December 4, 2017

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22 UNITED STATES MAGISTRATE JUDGE
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