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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTWOINE BEALER,
Plaintiff,

v.

WARDEN OF KERN VALLEY STATE
PRISON,
Defendant.

Case No. 1:17-cv-01277-LJO-SAB (PC)
**ORDER VACATING ORDER TO SHOW
CAUSE**
**ORDER GRANTING PLAINTIFF'S
REQUEST FOR COPY OF SCREENING
ORDER AND GRANTING **SIXTY-DAY**
EXTENSION OF TIME TO FILE
AMENDED COMPLAINT**
(ECF Nos. 20, 21)

Plaintiff Antwoine Bealer, a state prisoner, is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 23, 2018, the Court issued an order to show cause in writing why this action should not be dismissed for Plaintiff's failure to file an amended complaint. (ECF No. 20.) On May 7, 2018, Plaintiff timely filed a response, stating that he did not receive the Court's screening order to file an amended complaint, and requesting a copy of that order and additional time to comply. Plaintiff seeks sixty (60) days due to competing deadlines in other litigation, including a hearing for a case proceeding in San Diego Superior Court.

The docket reflects that Plaintiff was served by mail with the Court's March 13, 2018 screening order at his address of record, and no mail was returned as undeliverable. Nevertheless, the Court finds good cause for Plaintiff's non-compliance as he declares he did not

1 receive the mail, and grants Plaintiff's requests, as he appears inclined to diligently amend his
2 complaint.

3 Accordingly, it is HEREBY ORDERED that:

4 1. The order to show cause issued on April 23, 2018 (ECF No. 20) is vacated;

5 2. Plaintiff's motion for an extension of time, filed on May 7, 2018 (ECF No. 21), is
6 granted;

7 3. The Clerk of the Court is respectfully directed to serve a copy of the March 13,
8 2018 screening order and amended complaint form on Plaintiff;

9 4. Within **sixty (60) days** from the date of this order, Plaintiff shall file an amended
10 complaint as discussed in the March 13, 2018 order; and

11 5. The failure to comply with this order will result in a recommendation to a district
12 judge that the action be dismissed for failure to comply with a court order and failure to state a
13 cognizable claim for relief.

14 IT IS SO ORDERED.

15 Dated: May 9, 2018


UNITED STATES MAGISTRATE JUDGE

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