1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 ENRIQUE HUAPAYA, Case No. 1:17-cv-01441-DAD-SAB (PC) 12 Plaintiff, ORDER GRANTING PLAINTIFF'S MOTION TO ACCEPT LATE FILING OF SECOND AMENDED 13 v. **COMPLAINT** D. DAVEY, et al., 14 [ECF No. 20] 15 Defendants. 16 Plaintiff Enrique Huapaya is appearing pro se and in forma pauperis in this civil rights action 17 18 pursuant to 42 U.S.C. § 1983. 19 On May 17, 2018, Plaintiff filed a motion requesting the Court accept the late filing of his 20 second amended complaint, along with a second amended complaint. (ECF Nos. 20, 21.) 21 On March 14, 2018, the Court screened Plaintiff's first amended complaint and granted him 22 leave to file a second amended complaint or notify the Court of his willingness to proceed only on the 23 claim found to be cognizable, within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (ECF No. 24 17.) On April 10, 2018, the Court granted Plaintiff thirty days to comply with the Court's March 14, 2018, order. (ECF No. 19.) Thus, Plaintiff's second amended complaint was due on or before May 25 10, 2018. 26 27 /// 28 ///

In seeking relief from the late filing, Plaintiff indicates that he has not had access to the law library because of an extensive lockdown. On the basis of good cause, the Court will excuse the late filing of the second amended complaint and it is deemed timely filed. Plaintiff is advised that the Court will screen the complaint in due course.

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IT IS SO ORDERED.

Dated: May 18, 2018

UNITED STATES MAGISTRATE JUDGE

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