

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOROTHY MARAGLINO,
Plaintiff,
v.
J. ESPINOSA, et al.,
Defendants.

Case No. 1:17-cv-01535-LJO-BAM (PC)
ORDER GRANTING PLAINTIFF’S MOTION
FOR EXTENSION OF TIME TO FILE
AMENDED COMPLAINT
(ECF No. 20)
ORDER DIRECTING CLERK OF COURT TO
SERVE COPIES ON PLAINTIFF (ECF Nos. 1,
16)
THIRTY (30) DAY DEADLINE

Plaintiff Dorothy Maraglino (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 26, 2018, this matter was re-opened and Plaintiff was directed to file a first amended complaint in compliance with the Court’s May 14, 2018 screening order, or to file a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (ECF No. 17.) On December 5, 2018, Plaintiff was granted a thirty-day extension of time to file her amended complaint, due to her inability to retrieve her legal property from the Legal Coordinator at CCWF. (ECF No. 19.)

Currently before the Court is Plaintiff’s second motion for extension of time to file her amended complaint, filed January 11, 2019. (ECF No. 20.) Plaintiff does not specify the length

1 of extension required, but states that the additional time is necessary because she has been
2 unsuccessful in getting the prison legal coordinator to return copies of her filed complaints.
3 Plaintiff states that she has requested her documents through the legal coordinator's co-workers
4 and using inmate request slips, but has not attached any documentation of these requests.
5 Plaintiff further requests a court order directing the legal coordinator to return her documents,
6 specifically her filed complaints, so she may comply with the court's order. (Id.)

7 The Court notes that it has now been eight months since Plaintiff was first ordered to file
8 an amended complaint, and nearly three months since this action was reopened and Plaintiff again
9 ordered to file an amended complaint. (See ECF Nos. 10, 17.) In light of Plaintiff's difficulties
10 retrieving her legal documents, Plaintiff will be provided with **one final** opportunity to file her
11 first amended complaint. **However, future requests for extension of time regarding this**
12 **deadline will be subject to a narrow interpretation of what constitutes good cause.**

13 Generally, the Clerk's Office will provide copies for Plaintiff at a cost of \$0.50 per page.
14 In an effort to advance this case, the Court will make a one-time exception and direct the Clerk of
15 the Court to provide Plaintiff with copies, at no charge, of the original complaint, filed on
16 November 17, 2017, and the proposed amended complaint that was attached to Plaintiff's motion
17 to reopen the case. Plaintiff is advised that any further copies will need to be paid for by Plaintiff,
18 and it is her responsibility to maintain her own copies of the Court's orders and documents filed
19 with the Court. To the extent Plaintiff requests that the Court order the legal coordinator to return
20 her copies of the filed complaints, that request is denied as moot.

21 Plaintiff is reminded that her first amended complaint should be "complete in itself
22 without reference to the prior or superseded pleading." Local Rule 220. Finally, any documents
23 to be filed with the Court must be **mailed** (not faxed), to the following address:

24 Clerk of the Court
25 Room 1501
26 United States District Court
27 2500 Tulare Street
28 Fresno, California 93721

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's motion for extension of time to file a first amended complaint, (ECF No. 20), is GRANTED;
2. The Clerk's Office shall mail the following documents to Plaintiff at her current address of record:
 - a. Complaint, filed on November 17, 2017, (ECF No. 1);
 - b. Motion to Reopen Case, filed on October 23, 2018, (ECF No. 16);
3. Plaintiff shall file a first amended complaint (or a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i)) within **thirty (30) days** from the date of service of this order; and
4. **If Plaintiff fails to file a first amended complaint in compliance with this order, this action will be dismissed for failure to prosecute and failure to obey a court order.**

IT IS SO ORDERED.

Dated: January 14, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE