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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAURICIO ARANA,

 Plaintiff,

 v.

FRAZIER,

 Defendant.

Case No. 1:17-cv-01702-DAD-BAM (PC)

**ORDER DISREGARDING MOTION FOR
DISMISSAL
(ECF No. 20)**

**ORDER DENYING MOTION FOR
EXTENSION OF TIME AS MOOT
(ECF No. 22)**

Plaintiff Mauricio Arana (“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 June 12, 2018, the Court directed Plaintiff to file a second amended complaint as a single document in this action. (ECF No. 16.) On July 10, 2018, the Court granted in part Plaintiff’s motion for an extension of time. (ECF No. 18.)

On August 24, 2018, Plaintiff’s second amended complaint was mistakenly used to open a new action, Arana v. Frazier, et al., Case No. 1:18-cv-01147-BAM (PC). Realizing the error, the Court ordered the Clerk of the Court to close Case No. 1:18-cv-01147-BAM (PC). (Case No. 1:18-cv-01147-BAM (PC), Doc. No. 4.) Plaintiff’s second amended complaint was then correctly filed under the instant action. (ECF No. 19.)

On September 17, 2018 Plaintiff filed a Motion for Dismissal, stating that he would like the Court to dismiss Case No. 1:18-cv-01147-BAM (PC). (ECF No. 20.) As Case No. 1:18-cv-

1 01147-BAM (PC) had already been closed, the Court issued an order directing Plaintiff to clarify
2 whether he intended to voluntarily dismiss this action. (ECF No. 21.)

3 Currently before the Court is Plaintiff's response, as well as a motion for a 90-day
4 extension of time, filed October 9, 2018. (ECF No. 22.) Plaintiff states that he wanted to make
5 sure Case No. 1:18-cv-01147-BAM (PC) was closed, and would like to continue to pursue the
6 instant action. Plaintiff requests a 90-day extension of time in the instant action because he will
7 be having surgery on his shoulder this month, making it difficult for him to write. (Id.)

8 The Court accepts Plaintiff's clarification regarding the two cases, and therefore will
9 disregard his motion for dismissal as filed in error. With respect to the request for extension of
10 time, Plaintiff is informed that there are no other pending deadlines in this action. The Court has
11 received Plaintiff's second amended complaint, which will be screened in due course. At this
12 time, Plaintiff is not required to take any other actions, and this case remains open.

13 Accordingly, it is HEREBY ORDERED that:

- 14 1. Plaintiff's motion for dismissal, (ECF No. 20), is DISREGARDED as filed in error;
15 and
16 2. Plaintiff's motion for 90-day extension of time, (ECF No. 22), is DENIED as moot.

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18 IT IS SO ORDERED.

19 Dated: October 11, 2018

20 /s/ Barbara A. McAuliffe
21 UNITED STATES MAGISTRATE JUDGE
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