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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 LUIS RENTERIA,

12 Plaintiff,

13 vs.

14 KABIR MATHARU, et al.,

15 Defendants.  
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1:18-cv-00497-LJO-GSA-PC

**ORDER RE MOTION FOR LEAVE TO  
FILE SECOND AMENDED COMPLAINT**

**ORDER GRANTING PLAINTIFF'S  
REQUEST FOR EXTENSION OF TIME  
(ECF No. 25.)**

**FORTY-FIVE DAY DEADLINE FOR  
PLAINTIFF TO FILE SECOND  
AMENDED COMPLAINT**

19 **I. BACKGROUND**

20 Luis Renteria ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in  
21 this civil rights action pursuant to 42 U.S.C. § 1983. On April 12, 2018, Plaintiff filed the  
22 Complaint commencing this case. (ECF No. 1.) On May 29, 2018, Plaintiff filed the First  
23 Amended Complaint as a matter of course. (ECF No. 15.) On December 14, 2018, the court  
24 issued a screening order dismissing the First Amended Complaint for violation of Local Rule  
25 220 and failure to state a claim, with leave to amend within thirty days. (ECF No. 22.)

26 On January 31, 2019, Plaintiff filed a motion for leave to file a Second Amended  
27 Complaint. (ECF No. 25.) Plaintiff also requested an extension of time to file a Second  
28 Amended Complaint. (Id.)

1 **II. DISCUSSION**

2 Plaintiff's motion for leave to file a Second Amended Complaint is moot because the  
3 court's December 14, 2018 screening order dismissed Plaintiff's First Amended Complaint  
4 with leave to amend within thirty days, (ECF No. 22), and on January 14, 2019, the court  
5 granted Plaintiff an additional thirty days in which to file the Second Amended Complaint,  
6 (ECF No. 24). Therefore, Plaintiff already has leave to file a Second Amended Complaint.

7 Plaintiff also requests an extension of time to file his Second Amended Complaint,  
8 asserting that his medical condition makes it difficult for him to function. Plaintiff shows good  
9 cause for an extension of time to file the Second Amended Complaint, which shall be granted.

10 **III. CONCLUSION**

11 Based on the foregoing, it is **HEREBY ORDERED** that:

- 12 1. Plaintiff's motion for leave to amend is denied as moot;
- 13 2. Plaintiff's request for extension of time is granted; and
- 14 3. Plaintiff is granted forty-five days from the date of service of this order in which  
15 to file a Second Amended Complaint, pursuant to the court's order issued on  
16 December 14, 2018.

17  
18 IT IS SO ORDERED.

19 Dated: February 4, 2019

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE