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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WADE WOLFE,

 Plaintiff,

 v.

STANISLAUS COUNTY, et al.,

 Defendants.

Case No. 1:18-cv-00570-BAM (PC)

ORDER GRANTING PLAINTIFF’S SECOND
MOTION FOR EXTENSION OF TIME TO
FILE AMENDED COMPLAINT

(ECF No. 24)

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Wade Wolfe (“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 December 28, 2018, the Court issued a screening order granting Plaintiff an opportunity to file an amended complaint within thirty days. (ECF No. 21.) That deadline was extended by thirty days on January 29, 2019. (ECF No. 23.) Currently before the Court is Plaintiff’s second motion for an extension of time to file his first amended complaint. (ECF No. 24.) Plaintiff states that he was transferred from California Medical Facility to the California Health Care Facility, and requests an extension of forty-five days to file his first amended complaint. (Id.)

The Court finds good cause for the requested extension of time. Fed. R. Civ. P. 6(b). Plaintiff is reminded that his amended complaint should be brief, Fed. R. Civ. P. 8(a), but it must state what each named defendant did that led to the deprivation of Plaintiff’s constitutional rights,

1 Iqbal, 556 U.S. at 678-79. Although accepted as true, the “[f]actual allegations must be
2 [sufficient] to raise a right to relief above the speculative level” Twombly, 550 U.S. at 555
3 (citations omitted).

4 Additionally, Plaintiff may not change the nature of this suit by adding new, unrelated
5 claims in his first amended complaint. George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) (no
6 “buckshot” complaints).

7 Finally, Plaintiff is advised that an amended complaint supersedes the original complaint.
8 Lacey v. Maricopa Cty., 693 F.3d 896, 927 (9th Cir. 2012). Therefore, Plaintiff’s amended
9 complaint must be “complete in itself without reference to the prior or superseded pleading.”
10 Local Rule 220. This includes any exhibits or attachments Plaintiff wishes to incorporate by
11 reference.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. Plaintiff’s second motion for extension of time, (ECF No. 24), is GRANTED;
- 14 2. Plaintiff shall file a first amended complaint (or a notice of voluntary dismissal
15 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i)) within **forty-five (45) days** from the
16 date of service of this order; and
- 17 3. **If Plaintiff fails to file a first amended complaint in compliance with this**
18 **order, this action will be dismissed for failure to prosecute and failure to obey a court order.**

19
20 IT IS SO ORDERED.

21 Dated: February 11, 2019

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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