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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERMAN RENE ONTIVEROS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION,

Defendant.

No. 1:19-cv-01651-NONE-EPG (PC)

ORDER GRANTING SUA SPONTE
EXTENSION OF TIME

Plaintiff Herman Rene Ontiveros, proceeding *pro se*, filed a motion for an extension of time to file a Fourth Amended Complaint on November 4, 2020. (ECF No. 46). Concurrently therewith, he also filed notice of change of address, indicating that he is now incarcerated at California State Prison-Sacramento. (ECF No. 47).

On November 12, 2020, the Court granted Plaintiff's motion for an extension of time, giving Plaintiff until December 1, 2020 to file an amended complaint. (ECF No. 48). The Court served the order on Plaintiff the same day by the United States Postal Service.

On December 10, 2020, the order was returned by the United States Postal Service, stating that the order was undeliverable. The Court used the California Department of Corrections and Rehabilitation's online inmate locator tool, which indicates that Plaintiff is still incarcerated at California State Prison-Sacramento. Thus, it appears that Plaintiff never received the Court's order granting an extension of time due to no fault of his own.

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Accordingly, it is HEREBY ORDERED that Plaintiff shall file his Fourth Amended Complaint no later than January 4, 2021.

IT IS SO ORDERED.

Dated: December 11, 2020

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE