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6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
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9	NICHOLAS RICE,	Case No. 1:23-cv-01094-NODJ-BAM (PC)
10 11	Plaintiff,	ORDER VACATING FINDINGS AND RECOMMENDATIONS
	V.	(ECF No. 14)
12	GONZALES, et al.,	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO RESPOND TO
13	Defendants.	ORDER TO SHOW CAUSE (ECF No. 17)
14 15		THIRTY (30) DAY DEADLINE
15	Plaintiff Nicholas Rice ("Plaintiff") is a state prisoner proceeding <i>pro se</i> and <i>in forma</i>	
10	<i>pauperis</i> in this civil rights action pursuant to 42 U.S.C. § 1983.	
17	On August 29, 2023, in preparing to screen the first amended complaint, the Court issued	
10	an order requiring Plaintiff to show cause why this action should not be dismissed, without	
20	prejudice, for failure to exhaust prior to filing suit. (ECF No. 13.) The order was returned	
20	undeliverable on September 8, 2023, and following Plaintiff's failure to communicate with the	
22	Court or update his address, on November 27, 2023, the Court issued findings and	
23	recommendations regarding dismissal of this action for failure to prosecute and failure to obey a	
23	court order. (ECF No. 14.)	
25	Plaintiff filed a notice of change of address to the California Substance Abuse Treatment	
26	Facility on November 29, 2023, (ECF No. 15), and the Court's August 29, 2023 order to show	
27	cause and November 27, 2023 findings and recommendations were re-served on Plaintiff at his	
28	new address.	
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1	Currently before the Court is Plaintiff's motion for extension of time, filed December 18,	
2	2023. (ECF No. 17.) Plaintiff requests more time to pull a copy of the grievance. Plaintiff states	
3	that he did exhaust all remedies before starting the civil action. (Id.)	
4	Having considered Plaintiff's motion, the Court finds it appropriate to vacate the pending	
5	findings and recommendations. Plaintiff's motion for an extension of time to respond to the	
6	Court's order to show cause is granted. As Plaintiff has not requested a specific length of time,	
7	the Court finds that an extension of thirty days is appropriate under the circumstances.	
8	Plaintiff is advised that in the future, all filings sent to the Court should include his	
9	signature, as required by Federal Rule of Civil Procedure 11. Plaintiff is also informed that	
10	unless he has been transferred from the California Substance Abuse Treatment Facility, he does	
11	not need to submit another notice of change of address.	
12	Accordingly, IT IS HEREBY ORDERED that:	
13	1. The findings and recommendations issued on November 27, 2023, (ECF No. 14), are	
14	VACATED;	
15	2. Plaintiff's motion for extension of time, (ECF No. 17), is GRANTED;	
16	3. Within thirty (30) days from the date of service of this order, Plaintiff SHALL show	
17	cause why this action should not be dismissed, without prejudice, for failure to exhaust	
18	prior to filing suit, in compliance with the Court's August 29, 2023 order to show cause,	
19	(ECF No. 13); and	
20	4. Plaintiff is warned that the failure to comply with this order will result in dismissal	
21	of this action, without prejudice, for failure to prosecute and failure to obey a court	
22	<u>order</u> .	
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24	IT IS SO ORDERED.	
25	Dated: December 19, 2023 /s/ Barbara A. McAuliffe	
26	UNITED STATES MAGISTRATE JUDGE	
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