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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS LEE SWYGERT,

Plaintiff,

Case No. 2:06-cv-00725 ALA (P)

vs.

MARTIN VEAL, et al.,

ORDER

Defendants.

_____ /

Plaintiff Curtis Lee Swygert (“Plaintiff”) is a state prisoner proceeding with counsel in this civil rights action brought pursuant to 42 U.S.C. § 1983. On January 5, 2009, Plaintiff filed a pro se request for an extension of time to file a first amended complaint, or to allow appointed counsel to do so. (Doc. 68). Plaintiff indicated that he had contacted his attorney about seeking an extension, but had not received a response from her. *Id.*

Counsel for Plaintiff satisfied the condition necessary to extend the time to amend the complaint by filing a response to the Court’s November 26, 2008 order on or before December 31, 2008, as directed by the Court. (Doc. 67). The time for Plaintiff to file an amended complaint will be set when the issue has been resolved as to who are the proper defendants to be named. Based upon the ongoing briefing by the parties, the Court anticipates that issue will be resolved no later than February 1, 2009. The Court will issue an order at that time indicating the

1 deadline for Plaintiff to file an amended complaint.

2 Accordingly, IT IS HEREBY ORDERED THAT Plaintiff's pro se request for an
3 extension of time to file either a first amended complaint, or appointed counsel secure an
4 extension of time to file appropriate motions in this case, is HEREBY DENIED without
5 prejudice. (Doc. 68).

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7 DATED: January 8, 2009

8 _____ /s/ Arthur L. Alarcón

9 _____ UNITED STATES CIRCUIT JUDGE
Sitting by Designation

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