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

DEMETRIUS COLEMAN,

Plaintiff,

No. CIV S-08-2959 FCD KJM P

vs.

VALLEJO POLICE DEPARTMENT, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed January 25, 2010, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

In the January 25, 2010 order, plaintiff was informed that the court cannot refer to his original complaint to make plaintiff's amended complaint complete. Despite this, plaintiff refers the court back to his original complaint for the names of certain defendants. Plaintiff also has not signed his amended complaint as is required by Rule 11 of the Federal Rules of Civil Procedure.

Good cause appearing, the court will give plaintiff one final opportunity to file a signed complaint that complies with the court's January 25, 2010 order. If plaintiff does not file a second amended complaint that complies with the January 25, 2010 order within thirty days,

1 the court will recommend that this action be dismissed under Rule 41(b) of the Federal Rules of  
2 Civil Procedure. If plaintiff simply wishes to sign the “amended complaint” he has already  
3 submitted and change the title to “Second Amended Complaint,” that document will be deemed  
4 plaintiff’s second amended complaint and the court will order service of process only upon  
5 defendant Garcia for violations of the Fourth Amendment.

6 In accordance with the above, IT IS HEREBY ORDERED that:

7 1. Plaintiff's amended complaint is dismissed; and

8 2. Plaintiff is granted thirty days from the date of service of this order to file a  
9 second amended complaint that complies with the requirements of this order, the court’s January  
10 25, 2010 order, the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules  
11 of Practice; the second amended complaint must bear the docket number assigned this case and  
12 must be labeled “Second Amended Complaint”; plaintiff must file an original and two copies of  
13 the second amended complaint; failure to file a second amended complaint in accordance with  
14 this order will result in a recommendation that this action be dismissed.

15 DATED: May 13, 2010.

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17 U.S. MAGISTRATE JUDGE

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