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

ANTHONY DURHAM,

Plaintiff,

No. CIV S-09-0331 MCE EFB PS

vs.

STATE OF CALIFORNIA (SOLANO
STATE PRISON); WARDEN JOHN W.
HAVELAND; P. REAGAN; and
J. DELGADILLO,

Defendants.

ORDER

_____ /
This case, in which plaintiff is proceeding *in propria persona* and *in forma pauperis*, was referred to the undersigned under Local Rule 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). On September 27, 2010, the assigned district judge issued an order adopting the undersigned’s July 21, 2010 findings and recommendations, dismissing plaintiff’s amended complaint, and granting plaintiff thirty days to file a second amended complaint. Dckt. No. 19. Then, on October 28, 2010, the undersigned granted plaintiff a ninety day extension to file his second amended complaint. Dckt. No. 21.

On January 28, 2011, plaintiff filed a further motion for an extension of time (of 60 days) to file a second amended complaint. Dckt. No. 23. Plaintiff contends that he was not released from custody until December 31, 2010 and that he therefore needs additional time to obtain an

1 attorney and/or to prepare his second amended complaint. *Id.*

2 Plaintiff's motion for a sixty day extension of time, Dckt. No. 23, is granted. Plaintiff has
3 sixty days from the date this order is filed to file a second amended complaint in accordance with
4 the September 27 order.

5 SO ORDERED.

6 DATED: February 1, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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