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

RICHARD WALLACE,

Plaintiff,

No. CIV S-09-0502 JAM EFB P

vs.

JERRY BROWN et. al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On May 4, 2010, the court dismissed plaintiff's complaint for failure to state a cognizable claim against any defendant. The dismissal order explained the complaint's deficiencies, gave plaintiff 30 days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure to file an amended complaint would result in a recommendation that this action be dismissed for failure to state a claim. Plaintiff's copy of the order was returned. On July 26, 2010, the court recommended that the action be dismissed without prejudice, as plaintiff had not filed an amended complaint or otherwise responded to the court's order.

On August 27, 2010, plaintiff wrote a letter to the court inquiring about the prisoner early resolution program, and containing a new address. The court construes plaintiff's letter as a

1 request for an extension of time to file an amended complaint.

2 Accordingly, the court hereby orders that:

3 1. The July 26, 2010 findings and recommendations are vacated;

4 2. The Clerk shall serve docket number 7 on plaintiff at his new address; and

5 3. Plaintiff is given leave to amend his complaint within 30 days. The amended  
6 complaint must bear the docket number assigned to this case and be titled "First Amended  
7 Complaint." Failure to comply with this order will result in a recommendation that this action be  
8 dismissed. If plaintiff files an amended complaint stating a cognizable claim the court will  
9 proceed with service of process by the United States Marshal.

10 Dated: September 22, 2010.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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