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

WILLIE BRIDGES,

Plaintiff,

No. CIV S-09-0940 DAD P

vs.

SUZAN L. HUBBARD, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. After reviewing the docket in this case, the court finds that there appears to be some confusion with regard to plaintiff’s second amended complaint and scheduling deadlines set by the court. Accordingly, the court will clarify the status of this case with this order.

On November 2, 2009, the court screened plaintiff’s amended complaint and dismissed it with leave to file a second amended complaint. On November 4, 2009, without the benefit of the court’s order, plaintiff filed a motion for leave to file a second amended complaint, together with a proposed second amended complaint dated October 27, 2009. On November 12, 2009, plaintiff filed an affidavit in which he explained that he recently received the court’s screening order and would like an extension of time up to and including February 2, 2010, to file a new second amended complaint. On December 2, 2009, the court denied plaintiff’s motion for

1 leave to file a second amended complaint as moot, disregarded plaintiff's proposed second
2 amended complaint, granted plaintiff's request for an extension of time to file a new second
3 amended complaint, and ordered him to file a second amended complaint on or before February
4 2, 2010. On January 22, 2010, plaintiff filed a request for status, and the Clerk of the Court sent
5 him a copy of the docket in this action and mistakenly indicated to him that the court had
6 received plaintiff's second amended complaint when, in fact, it had not. Presumably, plaintiff
7 has failed to timely file a second amended complaint as a result of this confusion caused by the
8 Clerk of the Court's erroneous response to his request for status.

9 Given these circumstances, the court will grant plaintiff an additional thirty days
10 to file a second amended complaint that complies with the court's November 2, 2009 screening
11 order. The court will also direct the Clerk of the Court to provide plaintiff with a copy of that
12 screening order.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Plaintiff is granted thirty days from the date of service of this order to file a
15 second amended complaint that complies with the court's November 2, 2009 screening order as
16 well as the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the
17 Local Rules of Practice; the second amended complaint must bear the docket number assigned to
18 this case and must be labeled "Second Amended Complaint"; failure to file a second amended
19 complaint in accordance with this order will result in a recommendation that this action be
20 dismissed without prejudice; and

21 2. The Clerk of the Court is directed to send plaintiff a copy of the court's
22 November 2, 2009 screening order (Doc. No. 11).

23 DATED: February 16, 2010.

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25 DAD:9
26 brid0940.36amc(2)



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE