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

JAMES T. RODGERS,

Plaintiff,

No. CIV S-09-1367 EFB P

vs.

PLACER COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 27, 2010, the court dismissed plaintiff's amended complaint with leave to amend within 30 days. Dckt. No. 28. On November 12, 2010, plaintiff filed a document labeled "Amended Complaint for Declaratory Relief and Monetary Damages." Dckt. No. 29. In this filing, plaintiff acknowledges the court's October 27, 2010 order, and states that he "is currently unable to physically write out [a second amended complaint]" because he is awaiting "major spinal surgery" and cannot "hold a pen or pencil." *Id.* Accordingly, the court construes plaintiff's filing as a request for an extension of time to file an amended complaint. *See* Fed. R. Civ. P. 6(b).

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1 Plaintiff's November 12, 2010 request for an extension of time is granted and plaintiff
2 has 30 days from the date this order is served to file and serve an amended complaint in
3 accordance with the court's October 27, 2010 order. Plaintiff may seek another extension of
4 time if his condition has not improved.

5 So ordered.

6 Dated: January 11, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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