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

CHRISTOPHER D. SCHNEIDER,

Plaintiff,

No. CIV S-10-3242 GEB EFB PS

vs.

AMADOR COUNTY; LINDA
VAN VLECK; JOHN HAHN; and
DOES 1 through 40,

Defendants.

ORDER

This case, in which plaintiff is proceeding *pro se*, was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1) and Eastern District of California Local Rule 302(c)(21). On September 29, 2011, the court dismissed plaintiff’s first amended complaint and granted plaintiff thirty days to file a second amended complaint. Dckt. No. 36.

On October 24, 2011, plaintiff filed a motion for a stay, or in the alternative, for a thirty day extension of time to file his second amended complaint. Dckt. No. 37. Plaintiff contends that on October 13, 2011, he “was forced to defend himself” in a hearing in Amador County regarding the potential seizure of his two horses pursuant to California Penal Code section 597.1(a). *Id.* at 2; *see also* Cal. Penal Code 597.1(a) (“Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any

1 city, county, city and county, or judicial district without proper care and attention is guilty of a
2 misdemeanor.”). Plaintiff contends that a hearing was held and that after hearing testimony from
3 multiple witnesses, the prosecution dismissed the case. *Id.* However, plaintiff contends that he
4 “does not yet have any record, or findings from this hearing,” and that he needs the findings in
5 order to properly file his second amended complaint. *Id.* Plaintiff further contends that “[d]ue to
6 these events and the citation leading up to them, plaintiff . . . was *not* able to devote any time to
7 ‘researching and preparing his [second amended complaint].’ *Id.* Therefore, plaintiff requests
8 that this case “be stayed for a reasonable amount of time (120-180 days?)” until Amador County
9 can furnish plaintiff with the findings from the October 13 hearing. *Id.* at 3. In the alternative,
10 plaintiff seeks a thirty day extension of time to file his second amended complaint. *Id.*

11 Although a stay of this action is not warranted at this time, plaintiff’s request for an
12 extension of time to file a second amended complaint will be granted. If plaintiff needs
13 additional time beyond the extension provided herein within which to file his second amended
14 complaint, he may file a further motion for an extension of time prior to the new deadline for
15 filing his second amended complaint.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Plaintiff’s request for an extension of time to file a second amended complaint, Dckt.
18 No. 37, is granted;

19 2. Plaintiff has until December 16, 2011 to file a second amended complaint, as provided
20 in the September 29, 2011 order;

21 3. Failure to timely file a second amended complaint in accordance with this order will
22 result in a recommendation this action be dismissed; and

23 4. Defendants shall file a response to plaintiff’s amended complaint within fourteen days
24 from the date a second amended complaint is filed.

25 DATED: October 26, 2011.

26 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE