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

GEORGIA A. CELENTANO,

Plaintiff,

No. 2:11-cv-3456-JAM-EFB PS

vs.

AMERICANS WITH DISABILITIES
OFFICE, SACRAMENTO SUPERIOR
COURT; SACRAMENTO SUPERIOR
COURT; JUDICIAL COUNCIL OF
CALIFORNIA; and DOES 1-10,

Defendants.

ORDER

_____ /

This case, in which plaintiff is proceeding *pro se* and *in forma pauperis*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On June 11, 2012, the undersigned dismissed plaintiff’s first amended complaint pursuant to 28 U.S.C. § 1915(e)(2), but provided plaintiff thirty days to file a second amended complaint. Dckt. No. 10. The order explained that “[i]f plaintiff fails to file a second amended complaint, the undersigned may recommend that this case be dismissed for failure to prosecute and/or for failure to comply with court orders. *See* Fed. R. Civ. P. 41(b); *see also* Local Rule 110.” *Id.* at 6. Because the deadline passed and plaintiff failed to file a second amended complaint, on July 17, 2012, the undersigned issued findings and recommendations,

1 recommending that the action be dismissed without prejudice for failure to prosecute. Dckt. No.
2 11.

3 On August 3, 2012, plaintiff filed objections to the findings and recommendations. Dckt.
4 No. 12. Although the objections do not respond to the findings and recommendations, and
5 instead appear to be challenging the analysis stated in this court's June 11, 2012 order dismissing
6 plaintiff's first amended complaint, Dckt. No. 10, because plaintiff is now attempting to
7 prosecute this action, the recommendation that the action be dismissed for failure to prosecute
8 will be vacated.¹ Plaintiff will be given additional time within which to file a second amended
9 complaint. However, plaintiff is admonished that a failure to timely amend her complaint will
10 once again result in a recommendation that this action be dismissed for failure to prosecute
11 and/or for failure to comply with court orders. *See* Fed. R. Civ. P. 41(b); *see also* Local Rule
12 110.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. The July 17, 2012 findings and recommendations are vacated.

15 2. Plaintiff is granted thirty days from the date of this order to file a second amended
16 complaint, as provided in the June 11, 2012 order. The second amended complaint must bear the
17 docket number assigned to this case and must be labeled "Second Amended Complaint."

18 3. If plaintiff fails to timely file a second amended complaint, the undersigned will once
19 again recommend that this case be dismissed for failure to prosecute and/or for failure to comply
20 with court orders.

21 DATED: August 21, 2012.

22 
EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
24

25 _____
26 ¹ However, the June 11, 2012 order dismissing plaintiff's first amended complaint will not
be vacated.