

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

ROBERTO HERRERA,

Plaintiff,

No. 2:12-cv-1965 WBS EFB F

VS.

B. FLEMING, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 24, 2012, the court dismissed plaintiff's complaint for failure to state a claim. The court 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. Plaintiff seeks a second extension of time to amend his complaint, explaining that he cannot amend his complaint without a copy of his gang validation packet.

The court will grant plaintiff one final extension of time to file an amended complaint. He is reminded that filing an amended complaint should not require extensive research and does not require that he first obtain his gang validation packet. To file an amended complaint in accordance with the court's screening order, plaintiff need only submit a short and plain

1 statement of his claim showing that he is entitled to relief. An amended complaint should not
2 include legal citations and should need not contain unnecessarily detailed factual allegations.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's January 7, 2013 motion (Dckt.
4 No. 21) is granted to the extent that plaintiff's amended complaint is due thirty days from the
5 date of this order. Failure to so comply may result in a recommendation that this action be
6 dismissed.

7 Dated: January 10, 2013.


8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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