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v.

Plaintiff,

Defendants.

14 J. BEARD, et al.,

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis who filed a complaint pursuant to 42 U.S. § 1983 which was dismissed with leave to amend within 28 days by order filed on December 24, 2013. ECF No. 9. Plaintiff has consented to the jurisdiction of the undersigned. ECF No. 6.

**ORDER** 

When plaintiff sought a 120 day extension of time to file an amended complaint, the court did not find good cause to support such a lengthy period of time. Nevertheless, plaintiff was granted a 60 day extension. ECF No. 13 (order filed on February 5, 2014).

Plaintiff has now filed a second request for an extension of time, this time for an additional 90 days. Such a request combined with the first extension, of course, exceeds the original request which the court had found to be not fully warranted. With this request, plaintiff focuses on his present difficulty with his vision. ECF No. 14. He states that he is unable to even see what he is writing in the instant request, but was seen by an optometrist two weeks prior to

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this request and was informed he should have his new eyewear within eight to ten weeks from that point. The court will grant plaintiff a final extension of time which will provide an ample period beyond the receipt of his glasses for plaintiff to file an amended complaint. No further extension of time will be granted. Should plaintiff fail to file an amended complaint within the time provided by this order, this action will be dismissed.

## Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff's April 9, 2014 motion for an extension of time (ECF No. 14) is granted;
- 2. Plaintiff is granted 90 days from the date of this order in which to file an amended complaint.
  - 3. There will be no further extension of time.
- 4. Failure to file an amended complaint timely pursuant to this order will result in dismissal of this action.

DATED: April 15, 2014

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE