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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	EARL D. SMITH,	No. 2:13-cv-2192 AC P
12	Plaintiff,	
13	v.	<u>ORDER</u>
14	R. RODRIGUEZ, et al.,	
15	Defendants.	
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17	Plaintiff, a state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to	
18	42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned. ECF No. 5.	
19	By order filed on January 9, 2014, plaintiff was granted thirty days' leave to file an	
20	amended complaint pursuant to his request. ECF No. 10. On January 21, 2014, plaintiff again	
21	sought leave to file an amended complaint in a document inexplicably entitled "declaration in	
22	support of motion for temporary restraining order." ECF No. 13. It is unclear why plaintiff filed	
23	a second request to file an amended complaint after having been granted an opportunity to do so.	
24	However, the court will liberally construe the second request as one for an extension of time to	
25	file an amended complaint and will grant plaintiff one further opportunity to file an amended	
26	complaint. Once again, plaintiff is informed that should he fail to file an amended complaint, the	
27	original complaint will be screened.	
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1	Accordingly, IT IS ORDERED that:	
2	1. Plaintiff's request at ECF No. 13, construed as a request for an extension of time to	
3	amend his complaint, is granted; plaintiff has one further opportunity to file an amended	
4	complaint but must do so within thirty days; there will be no further extension of time.	
5	2. If plaintiff elects not to amend his complaint, the court will proceed to screen the	
6	original complaint.	
7	DATED: March 13, 2014	
8	allison clane	
9	UNITED STATES MAGISTRATE JUDGE	
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