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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH A. BIANCHI,

Plaintiff,

v.

JEFFREY A. BEARD,

Defendant.

No. 2:13-cv-2199-JAM-EFB P

ORDER


Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On July 3, 2014, plaintiff’s complaint was dismissed with leave to amend within thirty days. On July 24, 2014, plaintiff’s request for a 30-day extension of time was granted. On August 28, 2014, when plaintiff had failed to timely file an amended complaint, the undersigned recommended this action be dismissed for failure to prosecute. Plaintiff filed objections on September 15, 2014, in which he claims he never received the blank civil rights complaint or local rules from the Clerk. Plaintiff’s objections, construed as a request for extension of time, is granted, to the extent that the court will hold the findings and recommendations in abeyance for a period of 30 days. The Clerk is directed to reserve on plaintiff a copy of the July 3, 2014 order, a blank civil rights complaint and a copy of the local rules.

The court notes that preparing an amended complaint does not require extensive legal research, as it should not contain any legal citations, but only a short and plain statement of the facts showing that plaintiff is entitled to relief. Accordingly, the court is not inclined grant additional requests for extensions of time.

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Accordingly, IT IS HEREBY ORDERED that the August 28, 2014 findings and recommendations are held in abeyance, and plaintiff has 30 days from the date of this order to file his amended complaint in accordance with the court's July 3, 2014 order. Should plaintiff fail to timely comply, those findings and recommendations will be submitted to the district judge for consideration.

DATED: October 9, 2014.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE