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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TANYA MCDANIEL,
Plaintiff,
v.
DANIEL POWELL, et al.,
Defendants.

No. 2:13-cv-02653-MCE-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(210). On March 31, 2015, defendants filed a motion to dismiss plaintiff’s second amended complaint, scheduled for hearing on April 29, 2015. ECF No. 47. On April 13, 2015, plaintiff filed a self-styled motion for a 30-day extension of time to file a second amended complaint. ECF No. 51. According to plaintiff’s motion, she is currently struggling with a respiratory illness and bronchitis. Id. at 1. In light of her illness, she asks that the court grant her a 30-day extension to amend her complaint. Id. at 2.

Federal Rule 15(a) states that a plaintiff can amend her complaint once as a matter of right within 21 days of serving it. Any amended complaints after that point can only be filed with the court’s permission. Id. Plaintiff has not sought the court’s permission to file an amended complaint, and on the face of it her motion makes little sense; there is presently no deadline set for plaintiff to file an amended complaint. However, the court will construe plaintiff’s motion as

1 a request to extend her deadline to file an opposition, which in the absence of any extension
2 would be due on April 15, 2015. Local Rule 230(c).

3 In light of plaintiff's apparent illness the court will grant her request for an extension.
4 Plaintiff's opposition to the pending motion to dismiss will be due by May 13, 2015. The court
5 will also continue the hearing on the motion to May 27, 2015. The court will not rule on any
6 motion for leave to amend plaintiff's second amended complaint until defendant's motion to
7 dismiss has been disposed of.

8 In accordance with the foregoing, THE COURT HEREBY ORDERS that plaintiff's
9 motion for an extension of time, ECF No. 51, is construed as a request for additional time in
10 which to oppose defendant's motion to dismiss, ECF No. 47, and as such is GRANTED. Plaintiff
11 must file an opposition to defendant's motion to dismiss, ECF No. 47, on or before May 13, 2015.
12 The court's hearing on defendants' motion to dismiss is CONTINUED to May 27, 2015.

13 DATED: April 15, 2015

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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