

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT EDWARD DAHL, JR.
Plaintiff,
v.
TIMOTHY VIRGA, et al.,
Defendants.

No. 2:14-cv-0949 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed a complaint under 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned. ECF No. 4. By order filed September 19, 2014, the complaint was dismissed but plaintiff was granted twenty-eight days to file an amended complaint. ECF No. 6. In this order, the court informed plaintiff of the deficiencies in his complaint. By order filed on October 7, 2014, plaintiff was granted an extension of time until November 19, 2014 to file an amended complaint.¹ Plaintiff has not filed an amended complaint, and the time for doing so has expired.

On December 1, 2014, plaintiff submitted a note directed to the Clerk’s Office indicating in general terms that plaintiff planned to file three civil lawsuits but was being denied law library

¹ Plaintiff was also granted (unnecessarily) additional time to file an in forma pauperis application; however, plaintiff just previously had been granted in forma pauperis status. See Orders, filed on September 19, 2014 at ECF Nos. 6, 7.

1 access. ECF No. 11. Plaintiff states that he has twice been denied access to the law library to
2 make copies of his “paperwork.” He states:

3 I’m being told that I’ve got to wait until after one of my deadlines
4 which is 12-12-14. I’m told I’ve got to wait until 12-19-14 to
5 receive my rights afforded by the courts and that’s access to the law
library.

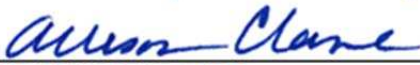
6 ECF No. 11. Neither December 12, 2014 nor December 19, 2014 is a deadline in this case.

7 The deadline in this case passed over a month ago. No further request for an extension of
8 time was received prior to expiration of that deadline. Plaintiff’s complaint about limited law
9 library access is insufficiently supported to warrant any intervention by this court at this time.
10 However, the court will construe plaintiff’s note as a second request for an extension of time and
11 will grant plaintiff one further opportunity to file an amended complaint. Failure to file an
12 amended complaint within thirty days of the date of this order will result in a dismissal of this
13 action.

14 Accordingly, IT IS ORDERED that:

- 15 1. Plaintiff’s “motion,” ECF No. 11, filed on December 1, 2014 is construed as a request
16 for a second extension of time to file an amended complaint and as such is GRANTED;
17 2. Plaintiff is permitted one final opportunity to amend his complaint but must do so
18 within thirty days of the date of this order; failure to do so will result in dismissal of this action.

19 DATED: December 23, 2014

20 
21 ALLISON CLAIRE
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28