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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUSTAVO ALVAREZ,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 2:14-cv-1181-KJM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests an extension of time and/or a stay to file his amended complaint and further requests relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.

Rule 60(b) authorizes a court, “[o]n motion and just terms,” to “relieve a party or its legal representative from a final judgment, order, or proceeding” on any of the grounds enumerated in the rule. Fed. R. Civ. P. 60(b); *see also United States v. Martin*, 226 F.3d 1042, 1048 & n.8 (9th Cir. 2000) (Rule 60(b) “applies only to motions attacking final, appealable orders”). The court has not yet issued a final and appealable order in this case. Rather, it has merely dismissed the original complaint *with leave to amend*. Relief from the May 7, 2015 order dismissing the complaint with leave to amend is not available under Rule 60(b).

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1 The court will, however, grant plaintiff an extension of time to file his amended complaint
2 pursuant to the court's May 7, 2015 order.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's Rule 60(b) motion (ECF No. 12) is denied; and

5 2. Plaintiff's request for an extension of time and/or a stay (ECF Nos. 13, 14) is granted
6 to the extent that plaintiff shall have an additional sixty (60) days in which to file his amended
7 complaint. Absent good cause, the court is not inclined to grant additional requests for extensions
8 of time. Plaintiff is admonished that failure to timely file his amended complaint may result in
9 dismissal of this action.

10 DATED: June 10, 2015.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE