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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALVIN S. LYNN,

 Plaintiff,

 v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

 Defendants.

No. 2:14-cv-2690 WBS KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. This action was transferred to this judicial district from the Northern District of California. On September 8, 2015, the undersigned filed an order dismissing plaintiff’s complaint after screening; plaintiff was therein granted thirty days to file an amended complaint. As plaintiff failed to file an amended complaint or otherwise respond to the court’s order, on October 27, 2015, the court filed findings and recommendations recommending dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b). Two days later, plaintiff filed a notice with the court providing in pertinent part that plaintiff is “unable to address the Court due to his Churg[]-Strauss Syndrome.” (ECF No. 26 at 1.) Plaintiff also claims that he “has been requesting A.D.A. American Disability Act certification to present to the court, but has found resistance and non-compliance by CDCR.” (sic) (Id.) Together with his notice, plaintiff has filed various medical

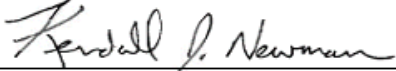
1 documents which provide that plaintiff suffers from Churg-Strauss Syndrome.

2 Plaintiff is hereby informed that he need not present certification of a disability under the
3 Americans with Disabilities Act in order to proceed with an action herein. He merely needs to
4 file a complaint that meets the requirements set forth in the court's September 8, 2015 order. Out
5 of an abundance of caution, the court will vacate the October 27, 2015 findings and
6 recommendations and grant plaintiff an additional thirty days in which to file an amended
7 complaint. Plaintiff is cautioned that, absent extraordinary circumstances, no further extensions
8 of time will be granted, and that his failure to timely file an amended complaint will result in a
9 recommendation that this action be dismissed without prejudice.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations filed October 27, 2015 (ECF No. 25) are vacated.
- 12 2. Plaintiff shall file an amended complaint no later than thirty days from the date of the
13 filing of this order. Plaintiff's failure to timely file an amended complaint will result in a
14 recommendation that this action be dismissed without prejudice.
- 15 3. Together with a copy of this order, the Clerk of the Court is directed to mail a copy of
16 the court's September 8, 2015 order (ECF No. 22) to plaintiff for his reference.

17 Dated: December 18, 2015

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20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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lynn2690.vac.2nd