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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEIL A. JOHNSON,
Plaintiff,
v.
STATE OF CALIFORNIA,
Defendant.

No. 2:15-cv-1259-MCE-EFB P

ORDER

Plaintiff is a county inmate proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). On January 27, 2016, plaintiff’s complaint was dismissed with leave to amend. That order explained the deficiencies in the complaint and granted plaintiff thirty days to file an amended complaint to cure the deficiencies identified in the screening order. Plaintiff was admonished that failure to file an amended complaint would result in a recommendation that this action be dismissed. ECF No. 8. On March 16, 2016, when plaintiff failed to timely file an amended complaint, the undersigned issued findings and recommendations recommending that this action be dismissed for failure to prosecute and failure to state a claim upon which relief may be granted. ECF No. 10.

Plaintiff filed objections on March 31, 2016, in which he apologizes for failing to timely file his amended complaint and states his desire to continue litigating the case. Plaintiff’s

1 objections, construed as a request for extension of time, is granted, to the extent that the court will
2 hold the findings and recommendations in abeyance for a period of 30 days.

3 The court notes that preparing an amended complaint does not require extensive legal
4 research, as it should not contain any legal citations, but only a short and plain statement of the
5 facts showing that plaintiff is entitled to relief.

6 Accordingly, IT IS HEREBY ORDERED that the March 16, 2016 findings and
7 recommendations are held in abeyance, and plaintiff has 30 days from the date of this order to
8 submit the amended complaint. Should plaintiff fail to timely comply, those findings and
9 recommendations will be submitted to the district judge for consideration.

10 DATED: May 5, 2016.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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