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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,  
Plaintiff,  
v.  
J.A. BEARD, et al.,  
Defendants.

No. 2: 15-cv-1313 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s October 11, 2019 motion for an extension of time to file a third amended complaint and motion for appointment of counsel. (ECF No. 52.)

On July 12, 2019, the undersigned dismissed plaintiff’s second amended complaint and granted plaintiff thirty days to file a third amended complaint. (ECF No. 44.) On July 19, 2019, plaintiff filed a motion for appointment of counsel and motion for a 60-90 day extension of time to file a third amended complaint. (ECF No. 45.)

On July 29, 2019, the undersigned denied plaintiff’s motion for appointment of counsel and granted plaintiff a ninety-day extension of time to file a third amended complaint. (ECF No. 48.) Plaintiff’s third amended complaint is due on October 30, 2019. In the July 29, 2019 order, the undersigned stated that no further extensions of time would be granted but for a showing of

1 substantial cause.

2 In the pending motion for extension of time, plaintiff alleges that he has a “mix  
3 personality” disorder and comprehension problems. (ECF No. 52 at 2.) Plaintiff alleges that he  
4 has difficulty preparing his complaint. (Id. at 3.) Plaintiff alleges that he is in a depressive state  
5 of mind. (Id.) Plaintiff alleges that he had no access to the law library due to a lockdown. (Id.)  
6 Plaintiff requests a sixty-day extension of time to prepare his third amended complaint. (Id.)

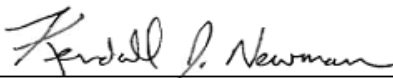
7 The court is sympathetic to plaintiff’s allegations regarding his difficulties in preparing  
8 the third amended complaint. However, plaintiff has already been granted one generous  
9 extension of time to file the third amended complaint. For this reason, plaintiff is granted a thirty-  
10 day extension of time to file his third amended complaint. No further extensions of time will be  
11 granted.

12 For the reasons stated in the July 29, 2019 order, plaintiff’s motion for appointment of  
13 counsel is denied.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff’s motion for appointment of counsel (ECF No. 52) is denied;
- 16 2. Plaintiff’s motion for an extension of time to file a third amended complaint (ECF No.  
17 52) is granted; plaintiff’s third amended complaint is due on or before November 30,  
18 2019; no further extensions of time to file a third amended complaint will be granted.

19 Dated: October 23, 2019

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22 KENDALL J. NEWMAN  
23 UNITED STATES MAGISTRATE JUDGE

24 John1313.ord

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