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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   ROBERT STRINGFELLOW,   No. 2:15-cv-1314 KJN P

12   Plaintiff,

13   v.   ORDER

14   WARDEN PRICE, et al.,

15   Defendants.

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17   This action was dismissed without prejudice on October 28, 2015, based on plaintiff's

18   failure to file an amended complaint. However, on October 29, 2015, plaintiff's motion for an

19   extension of time to file a third amended complaint, which was signed by plaintiff on October 19,

20   2015, was entered on the docket. Because plaintiff's request was presented to prison authorities

21   prior to the deadline for filing the amended complaint, the judgment and order of dismissal are

22   vacated.

23   However, plaintiff is cautioned that he cannot continue to delay prosecution of this action

24   by seeking extensions of time. In the July 21, 2015 order, plaintiff was advised that the original

25   complaint states a potentially cognizable claim against defendants Mora, Martinez, Moore and

26   Crawford, and that plaintiff was not obligated to file an amended complaint. (ECF No. 4 at 3.)

27   Plaintiff may choose not to file an amended complaint and proceed solely as to defendants Mora,

28   Martinez, Moore, and Crawford. Plaintiff may exercise this option by returning the completed

1 summons, USM-285 forms, and five copies of the endorsed complaint filed on June 19, 2015,

2 which were provided to plaintiff with the July 21, 2015 order. Or, plaintiff may file an amended

3 complaint. Plaintiff has had over three months in which to comply with the July 21, 2015 order.

4 Thus, no further extensions of time will be granted.

5   Accordingly, IT IS HEREBY ORDERED that:

6   1. The October 28, 2015 order and judgment (ECF Nos. 15 & 16) are vacated;

7   2. Plaintiff's motion for extension of time (ECF No. 17) is granted; and

8   3. Plaintiff is granted thirty days in which to file an amended complaint or submit the

9 documents described in the court's July 21, 2015 order. No further extensions of time will be

10 granted.

11 Dated: November 4, 2015

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13 KENDALL J. NEWMAN
    UNITED STATES MAGISTRATE JUDGE

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