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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL T. SCHAEFER,  
Plaintiff,  
v.  
T. ROWLAND, et al.,  
Defendants.

No. 2:15-cv-1802 DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of a magistrate judge. ECF No. 5.

On October 15, 2015, then-Magistrate Judge Dale A. Drozd screened plaintiff's complaint and dismissed it with leave to amend for failure to state a claim; plaintiff was granted thirty days to file an amended complaint. ECF No. 9. Over 45 days later, on December 3, 2015, plaintiff filed a motion for a 90-day extension of time to file an amended complaint. ECF No. 12. He sought this continuance because of two recent hospitalizations that prevented him from timely responding to the court's order. On December 15, 2015, plaintiff's motion was granted, and he was directed to file an amended complaint within 90 days from the date of the order. ECF No. 15. In light of this 90-day extension of time, plaintiff was informed that no further extensions of time would be granted absent extraordinary circumstances.


1 On May 19, 2016, well beyond the 90-day deadline, plaintiff filed a second motion for  
2 extension of time to file an amended complaint. ECF No. 17. The court granted a 30-day  
3 extension on May 27, 2016, but advised plaintiff that no further extensions of time would be  
4 granted. ECF No. 18. Plaintiff was also informed that failure to file an amended complaint may  
5 result in the dismissal of this action for failure to comply with a court order and failure to  
6 prosecute.

7 Plaintiff has now filed two more motions for extension of time to file an amended  
8 complaint, as well as a motion to stay this action. ECF Nos. 19, 23, 24. Plaintiff's recent filings  
9 reveal that he was placed in a crisis bed on June 6, 2016, for threatening a staff member, and that,  
10 upon his release five days later, he received some but not all of his legal documents. Plaintiff,  
11 however, does not explain how these legal documents are relevant to the retaliation and excessive  
12 force claims asserted in this action. It has now been one year since plaintiff's complaint was  
13 dismissed, and he has yet to file an amended complaint. If plaintiff is unable to prosecute this  
14 action at this time, he may file a notice of voluntary dismissal pursuant to Federal Rule of Civil  
15 Procedure 41(a).

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's motions for an extension of time (ECF Nos. 19, 24) are granted;
- 18 2. Plaintiff's motion to stay (ECF No. 23) is denied; and
- 19 3. Plaintiff is granted twenty-one days from the date of this order in which to file an  
20 amended complaint. Plaintiff's failure to file an amended complaint will result in a  
21 dismissal of this action. **No further extensions of time will be granted.**

22 Dated: November 9, 2016

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26 DEBORAH BARNES  
27 UNITED STATES MAGISTRATE JUDGE  
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/DLB7;scha1802.eot+stay