

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY LEE SLOAN, JR.,

No. 2:15-cv-1921 MCE AC P

Plaintiff,

v.

ORDER

COMMISSIONER OF THE  
DEPARTMENT OF CORRECTIONS  
AND REHABILITATION, et al.,

Defendants.

Plaintiff has requested a response from the court to his objections (ECF No. 32) to the September 6, 2017 order dismissing his first amended complaint with leave to amend (ECF No. 31). ECF No. 33. He also requests that he be granted an extension of time to file an amended complaint. Id. at 5-6.

Plaintiff’s objections to the September 6, 2017 order are construed by the court as a motion for reconsideration by the district judge of the magistrate judge’s ruling, and the motion is pending before the district judge assigned to this case. Accordingly, plaintiff’s request for a response is granted to the extent that he is advised that the district judge will issue a ruling on the motion for reconsideration in due course. The request is otherwise denied. Plaintiff’s request for an extension of time to file an amended complaint will be granted and he will not be required to submit an amended complaint until the district judge has ruled on his motion for reconsideration.

1 If the district judge affirms the September 6, 2017 order, plaintiff will be given a new deadline to  
2 file an amended complaint.

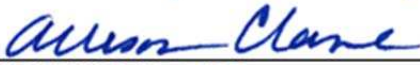
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's objections to the September 6, 2017 order (ECF No. 32) are construed as a  
5 motion for reconsideration.

6 2. Plaintiff's motion for a response to his motion for reconsideration (ECF No. 33) is  
7 granted to the extent outlined above. The request is otherwise denied.

8 3. Plaintiff's motion for an extension of time to file an amended complaint (ECF No. 33)  
9 is granted and he will not be required to file an amended complaint until the district judge rules  
10 on his motion for reconsideration.

11 DATED: October 11, 2017

12   
13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28