



1 51), and once again there is no evidence that defendant has agreed to the filing of another  
2 amended complaint. Furthermore, the court is unable to discern any cognizable claims in the  
3 amended complaint. The third amended complaint will therefore be stricken from the record. To  
4 the extent the document was intended as a request to amend the complaint, rather than as an  
5 amended complaint, the request is denied and plaintiff will be required to respond to the motion  
6 for summary judgment.

7 Plaintiff also states that he wants to know why he did not get an extension of time. ECF  
8 No. 54 at 1. It is unclear what plaintiff is referring to, and the court assumes he is referencing his  
9 last request for an extension, which was received by the Clerk of the Court on November 6, 2017,  
10 and which sought additional time for discovery. ECF No. 45. That motion was denied without  
11 prejudice because it was unclear what deadline plaintiff needed to extend. ECF No. 47.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The Clerk of the Court is directed to strike plaintiff's third amended complaint (ECF  
14 No. 54) from the record. To the extent the document is a request to amend, it is denied.

15 2. Within twenty-one days of service of this order, plaintiff shall respond to defendant's  
16 motion for summary judgment. Failure to respond will result in a recommendation that this  
17 action be dismissed for failure to prosecute.

18 DATED: April 11, 2018

19   
20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26  
27  
28