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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ALAN SIERRA,
Plaintiff,

v.

DIRECTOR OF DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2: 16-cv-1067 MCE KJN P

ORDER

Plaintiff is a former state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff is granted an additional thirty days to respond to the August 24, 2021 order.

On August 24, 2021, the undersigned issued an order screening plaintiff’s amended complaint. (ECF No. 90.) The undersigned granted plaintiff thirty days to file a second amended complaint or a notice stating that plaintiff intends to proceed on the potentially colorable claims in the first amended complaint. (Id.) The undersigned ordered that failure to respond to the August 24, 2021 order would result in a recommendation of dismissal for failure to prosecute. (Id.)

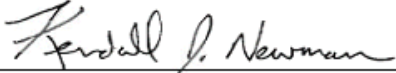
Following the filing of the August 24, 2021 order, the court received two telephone calls from plaintiff. In these telephone calls, plaintiff stated that he had difficulty filing a written request for extension of time. Plaintiff verbally requested an extension of time to respond to the

1 August 24, 2021 order.

2 The court is unable to grant verbal requests for extensions of time. However, because
3 plaintiff represents that he intends to prosecute this action, the undersigned grants plaintiff thirty
4 days from the date of this order to file a response to the August 24, 2021 order.¹ Plaintiff is
5 cautioned that the undersigned will recommend that this action be dismissed for failure to
6 prosecute if plaintiff fails to file a written response to the August 24, 2021 order. No further
7 verbal requests for extensions of time will be granted.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days from the date
9 of this order to file a response to the August 24, 2021 order.

10 Dated: September 24, 2021

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13 KENDALL J. NEWMAN
14 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Although defendants have not been served with the complaint, the docket indicates a special
28 appearance by the Attorney General's Office during an appeal to the Ninth Circuit Court of Appeals. Because the Attorney General's Office does not represent defendants in this action, the undersigned considered plaintiff's ex parte communication with the court.