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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER SHANE LANGSTON,  
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
Defendant.

No. 2:16-cv-2255 DB P

ORDER


Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On September 28, 2016, the court gave plaintiff thirty days to file an amended complaint, either in this proceeding or in a new proceeding in the Fresno Division of this court, and an application to proceed in forma pauperis or the filing fee. (ECF No. 3.) On October 28, 2016, plaintiff moved for an extension of time to “file [a] grievance with prison administration.” (ECF No. 4.) Plaintiff is advised that the court cannot grant an extension of time to file a grievance with the prison. See Martinez v. Roberts, 804 F.2d 570, 571 (9th Cir. 1986). Plaintiff must contact prison authorities with that request. Plaintiff is further advised that he must exhaust his administrative remedies through the grievance and appeal procedures before he may seek relief in this court. See McKinney v. Carey, 311 F.3d 1198, 1199 (9th Cir. 2002).

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The court will liberally construe plaintiff's motion for an extension of time as also seeking an extension of the deadlines set out in the court's September 28, 2016 order. Good cause appearing, IT IS HEREBY ORDERED that plaintiff's motion for an extension of time (ECF No. 4), construed as an extension of deadlines set by this court, is granted. Within thirty days of the date of this order, plaintiff shall file an amended complaint, as explained in the September 28 order, and a motion to proceed in forma pauperis or pay the filing fee. Plaintiff is warned that his failure to meet this deadline will result in a recommendation that his case be dismissed without prejudice.

Dated: November 9, 2016



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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DLB1/prisoner-civil rights/lang2255.eot