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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREMAYNE DEON CARROLL,
Plaintiff,
v.
SPEARMAN, et al.,
Defendants.

No. 2:17-cv-0862 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Presently before the court is plaintiff's motion for an extension of time and motion to stay the proceedings. (ECF No. 15.)

By its order of July 26, 2017 the court screened plaintiff's complaint and gave plaintiff thirty days to file an amended complaint. (ECF No. 7.) Plaintiff previously moved for and was granted an additional sixty days in which to file an amended complaint. After the extension of time expired and plaintiff had not filed an amended complaint, the court directed plaintiff to file an amended complaint within fourteen days and warned him that failure to comply could result in dismissal of this action for failure to comply with court orders. (ECF No. 12.) Plaintiff did not file an amended complaint and the court issued findings and recommendations that this action be dismissed. (ECF No. 14.)


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1 Plaintiff thereafter filed a motion to stay the proceedings and motion for an extension of
2 time. (ECF No. 15.) Plaintiff informed the court he does not have access to his legal property
3 and requests a thirty day extension of time to file an amended complaint once he receives his
4 property. Plaintiff also requested a stay of the proceedings because he does not currently have
5 access to his legal property. In order for the court to determine whether or not a stay is
6 appropriate in this matter plaintiff must inform the court of the reason he does not have access to
7 his legal property and, if possible, when he believes he may regain access to his legal property.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed on December 11, 2017 (ECF No. 14) are
10 vacated
- 11 2. Plaintiff's motion for a temporary stay (ECF No. 15) is denied without prejudice and
- 12 3. Plaintiff's motion for an extension of time is granted. Within thirty days of the date of
13 this order, plaintiff shall file his amended complaint. Plaintiff is warned that his
14 failure to do so may result in a recommendation that this action be dismissed.

15 Dated: January 11, 2018

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19 DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE

21 DLB12
22 DLB1/Orders/Prisoner-Civil rights/carr0862.36obj
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