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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWIN MCMILLAN,  
Plaintiff,  
v.  
J. CAPLAND, et al.,  
Defendants.

No. 2:18-cv-0523-WBS-EFB P

ORDER

Plaintiff is a former state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On April 30, 2019, this court recommended that this action be dismissed after plaintiff failed to file an amended complaint in accordance with the court’s March 15, 2019 screening order. ECF Nos. 4 & 7. Plaintiff now seeks an extension of time to either file an amended complaint or a notice of voluntary dismissal, explaining that he was recently paroled and needs additional time. ECF No. 8. Good cause appearing, IT IS HEREBY ORDERED that:

1. The April 30, 2019 findings and recommendations (ECF No. 7) are vacated;
2. Plaintiff’s request for an extension of time to file an amended complaint or a notice of voluntary dismissal (ECF No. 8) is granted; and
3. Plaintiff shall file an amended complaint within 30 days from the date of this order.

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Absent plaintiff's filing of a notice of voluntary dismissal, failure to so comply will result in another recommendation of dismissal for the reasons stated in the March 15, 2019 screening order (ECF No. 4).

Dated: May 23, 2019.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE