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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL ENRIQUE DIAZ,
Plaintiff,
v.
ASSOCIATE WARDEN HURLEY, et al.,
Defendants.

No. 2:19-cv-1241 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. On May 23, 2022, the district court adopted the findings and recommendations denying plaintiff’s motion for injunctive relief and referred the case back to the undersigned for further proceedings. (ECF No. 83.) On May 26, 2022, plaintiff filed objections to the December 29, 2021 findings and recommendations, seeking yet another extension of time to file his amended complaint.¹ (ECF No. 84.) Plaintiff now claims that he is prepared to file his amended pleading within thirty days, and argues the court should vacate the findings and recommendations and accept the amended pleading.

Plaintiff signed his objections on May 18, 2022. In an abundance of caution, the court will hold the December 29, 2021 findings and recommendations in abeyance until Friday, June 17, 2022. In other words, plaintiff must present his second amended complaint to prison officials

¹ Over a year ago, on May 21, 2021, plaintiff’s amended complaint was dismissed with leave to file a second amended complaint. (ECF No. 59.)

1 for mailing no later than June 17, 2022. The court will allow a reasonable time for the amended
2 pleading to arrive by mail from the California Medical Facility in Vacaville. But if the court has
3 not received plaintiff's second amended complaint by June 27, 2022, the findings and
4 recommendations will be forwarded to the district court for review and adoption.


5 No further extensions of time will be granted for any reason.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff's request (ECF No. 84) is partially granted; and

8 2. Plaintiff shall present his second amended complaint to prison officials for mailing on
9 or before June 17, 2022. Failure to comply with this order will result in the dismissal of this
10 action.

11 Dated: June 8, 2022

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13 _____
14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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