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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,
Plaintiff,
v.
E. COTA, *et al.*,
Defendants.

Case No. 2:19-cv-01423-JAM-JDP (PC)
ORDER GRANTING PLAINTIFF AN
EXTENSION OF TIME TO FILE A THIRD
AMENDED COMPLAINT
ECF No. 30

On October 6, 2020, the court screened plaintiff's second amended complaint and notified plaintiff that the complaint failed to state a claim upon which relief may be granted. ECF No. 29. Plaintiff was granted thirty days to file an amended complaint. *Id.* at 4-5. Instead of filing an amended complaint, plaintiff filed a motion asking that he be permitted to stand on the allegations in the second amended complaint. ECF No. 30. Alternatively, he requests a thirty-day extension of time to file a third amended complaint. *Id.* Since the second amended complaint's allegations fail to state a claim, *see* ECF No. 29, the court will grant plaintiff's alternative request for an extension of time.

Accordingly, it is hereby ORDERED that:

1. Plaintiff's motion for an extension of time, ECF No. 30, is granted.
2. Plaintiff may file an amended complaint on or before January 4, 2021.
3. Failure to file an amended complaint by that date will result in a recommendation that

1 this case be dismissed for failure to state a claim and failure to prosecute.

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3 IT IS SO ORDERED.

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Dated: December 4, 2020

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JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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