

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CARL FOUST,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA MEDICAL FACILITY,  
  
Defendant.

No. 2:21-CV-0540-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On November 3, 2021, the Court dismissed Plaintiff’s first amended complaint with leave to amend and directed Plaintiff to file an amended complaint within 30 days. See ECF No. 21. Since that time, the Court has granted Plaintiff 30-day extensions of time on three separate occasions. See ECF Nos. 27, 34, 44. As of May 20, 2022, Plaintiff had not filed a second amended complaint within the time provided therefor and the Court issued findings and recommendations that this action be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders. See ECF No. 50. On May 27, 2022, Plaintiff filed a “statement,” which the Court construes as a request for another extension of time. See ECF No. 51.

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In the interests of justice and providing Plaintiff a full and fair opportunity to be heard, the Court is willing to grant Plaintiff one additional extension of time to file a second amended complaint. Accordingly, IT IS HEREBY ORDERED that the findings and recommendations issued on May 20, 2022, are vacated, Plaintiff is granted an extension of time, and Plaintiff shall file a second amended complaint within 30 days of the date of this order.

Dated: June 24, 2022



---

DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE