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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	FRANCISCO SIERRA,	No. 2:22-cv-0488 TLN KJN P
12	Plaintiff,	
13	V.	<u>ORDER</u>
14	PATRICK COVELLO, et al.,	
15	Defendants.	
16		
17	Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant	
18	to 42 U.S.C. § 1983. On May 18, 2023, plaintiff filed a document entitled "Motion for Injunctive	
19	Relief and Appointment of Counsel." (ECF No. 23.) However, plaintiff's filing does not	
20	comport with the May 2, 2023 order which provided the standards governing requests for	
21	injunctive relief. But more importantly, there remains no operative pleading on file. Plaintiff	
22	failed to file his second amended complaint as required by the April 21, 2023 order. (ECF No.	
23	20.)	
24	For the reasons stated herein, plaintiff's renewed motion is denied without prejudice.	
25	Plaintiff's Motion	
26	Plaintiff's sets forth a generalized background of his incarceration since 2006,	
27	complaining of retaliatory incidents, frivolous rules violation reports and other issues he has	
28	suffered while housed at High Desert State Prison and then Mule Creek State Prison. But he	
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1	provides no specific facts attributed to an individual defendant to assist the court in determining	
2	the nature of his request, if any. At the end of his filing, he claims he will send along his second	
3	amended suit "upon receipt of these documents." (ECF No. 23 at 2.) But it is unclear to what	
4	documents he refers.	
5	In an abundance of caution, the court construes plaintiff's filing as a request for extension	
6	of time to file his second amended complaint.	
7	Plaintiff does not request the appointment of counsel in the text of his filing, but to the	
8	extent he renews his motion for appointment of counsel, the motion is denied for the reasons set	
9	forth in the May 2, 2023 order. (ECF No. 22.)	
10	Accordingly, IT IS HEREBY ORDERED:	
11	1. Plaintiff's motion (ECF No. 23) is construed as a request for extension of time to file a	
12	second amended complaint, and is granted;	
13	2. Plaintiff is granted thirty days in which to file a second amended complaint that	
14	complies with this court's April 21, 2023 order; and	
15	3. Plaintiff's renewed motion for appointment of counsel (ECF No. 23) is denied without	
16	prejudice.	
17	Dated: May 22, 2023	
18	KENDALL J. NEWMAN	
19	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE	
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