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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAREN McBRIEN,

Plaintiff,

No. C 09-05963 JSW

v.

CITY AND COUNTY OF SAN FRANCISCO,  
ET AL,

Defendants.

**ORDER GRANTING FINAL  
EXTENSION TO FILE AMENDED  
COMPLAINT**

On March 24, 2010, this Court issued an order denying Plaintiff’s application to proceed *in forma pauperis* and dismissed her complaint with leave to amend.

The Court found it was impossible to discern from Plaintiff’s original complaint many of the essential details of the events that triggered the lawsuit, the legal theories under which she seeks relief, or the causes of action against any particular named defendant. Plaintiff failed to set forth “a short and plain statement of the claim showing that the pleader is entitled to relief” as required by Rule 8 of the Federal Rules of Civil Procedure.

Plaintiff was admonished that if she wished to pursue this action, she would have to file an amended complaint by April 2, 2010 and that failure to file a cognizable legal claim by this date would result in dismissal of this action with prejudice.

On May 3, 2010, Plaintiff filed a document entitled “motion for extension of time to answer or defend.” On May 5, 2010, the Court issued an order explaining that Plaintiff need not answer or defend and giving Plaintiff yet another extension of time to file an amended

United States District Court  
For the Northern District of California

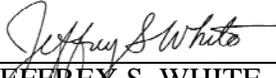
1 complaint in compliance with Federal Rule of Civil Procedure 8. The Court indicated that  
2 Plaintiff would have until May 24, 2010 to file an amended complaint and that failure to file a  
3 cognizable legal claim by this date would result in dismissal of this action with prejudice.

4 On May 24, 2010, the Court received a motion for a second extension of time to answer  
5 or defend. Again, Plaintiff is prosecuting the action and need only file an amended complaint in  
6 compliance with Federal Rule of Civil Procedure 8 to continue to pursue this action. Because  
7 the Court has not found a viable complaint to have been filed, the application to proceed *in*  
8 *forma pauperis* is again DENIED. Should Plaintiff file a legally sufficient amended complaint,  
9 she need not re-submit the application to proceed *in forma pauperis*.

10 Plaintiff shall have until no later than **June 25, 2010** to file an amended complaint.  
11 Failure to file a cognizable legal claim by this date **shall** result in dismissal of this action with  
12 prejudice and there shall be **no further extensions of time**.

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14 **IT IS SO ORDERED.**

15 Dated: May 28, 2010

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18 JEFFREY S. WHITE  
19 UNITED STATES DISTRICT JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

KAREN McBRIEN,  
Plaintiff,

Case Number: CV09-05963 JSW

**CERTIFICATE OF SERVICE**

v.

CITY AND COUNTY OF SAN  
FRANCISCO, ET AL,

Defendants.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 28, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Karen W. McBrien  
3616 Far West Blvd.  
##117-252  
Austin, TX 78731

Dated: May 28, 2010



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk