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

DARRYL LEE GOLDSTEIN,

No. C 05-03209 SBA (PR)

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S
REQUEST FOR EXTENSION OF TIME
TO FILE AMENDED COMPLAINT**

COUNTY OF SAN MATEO, et al.,

Defendants.

Plaintiff Darryl Lee Goldstein filed the instant pro se civil rights complaint under 42 U.S.C. § 1983.

In an Order dated July 29, 2008, the Court granted Plaintiff leave to file an amended complaint in order to cure the pleading deficiencies of his RLUIPA and retaliation claims. The Court also directed Plaintiff to explain whether he exhausted his administrative remedies with respect to his RLUIPA and retaliation claims before he filed his complaint. The Court dismissed Plaintiff's remaining claims for failure to state a claim. The Court informed Plaintiff that if he failed to file an amended complaint within thirty days, this action would be dismissed without prejudice for failure to state a cognizable claim for relief and for failure to exhaust available administrative remedies.

In an Order dated September 3, 2008, the Court dismissed this action without prejudice because Plaintiff failed to file an amended complaint within the thirty-day time frame.

On September 11, 2008, Plaintiff filed a request for a fourteen-day extension of time to file his amended complaint. The Court notes that Plaintiff was supposed to file his amended complaint

1 by August 28, 2008, thirty days after the July 29, 2008 Order was issued. Plaintiff claims that "[his]
2 health and two hospital stays prevented [him] from bringing the brief in on time." (Pl.'s Req. at 1.)
3 He alleges that he was hospitalized from September 1, 2008 through September 2, 2008, and he
4 submits documentation to prove his allegation. However, the Court finds Plaintiff's allegations
5 meritless because the deadline to file his amended complaint had already passed during the dates he
6 was hospitalized. Accordingly, the Court DENIES his request for an extension of time to file an
7 amended complaint (docket no. 36).

8 IT IS SO ORDERED.

9 DATED: 9/18/08


10 SAUNDRA BROWN ARMSTRONG
11 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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6 GOLDSTEIN,
7 Plaintiff,

Case Number: CV05-03209 SBA

CERTIFICATE OF SERVICE

8 v.

9 COUNTY OF SAN MATEO et al,
10 Defendant.

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on September 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

16
17 Darryl Lee Goldstein
18 101 Hyde Street
San Francisco, CA 94102

19 Dated: September 22, 2008

20 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk

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