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

JUMAH ALI-THOMAS MOORE,
Plaintiff,
v.
M. THOMAS, et al.,
Defendants.

No. C 06-02105 SBA (PR)

**ORDER (1) VACATING ORDER
DISMISSING EXCESSIVE FORCE
CLAIMS AGAINST DEFENDANTS
THOMAS AND PULIDO AND
(2) GRANTING PLAINTIFF'S REQUEST
FOR EXTENSION OF TIME TO FILE AN
AMENDMENT TO THE COMPLAINT**

(Docket no. 26)

I. Vacating Order Dismissing Plaintiff's Excessive Force Claims Against Defendants Thomas and Pulido

In an Order dated November 4, 2008, the Court found that Plaintiff failed to file amended excessive force claims against Defendants Thomas and Pulido within the thirty-day deadline. Therefore, Plaintiff's excessive force claims against Defendants Thomas and Pulido were dismissed without prejudice. However, the record shows that, on November 3, 2008, Plaintiff filed a request for an extension of time to file his amendment to the complaint. In view of this, it is clear that Plaintiff's excessive force claims against Defendants Thomas and Pulido were dismissed erroneously. Therefore, the Court's November 4, 2008 Order Dismissing Excessive Force Claims Against Defendants Thomas and Pulido is VACATED.

II. Granting Plaintiff's Request for Extension of Time to File an Amendment to the Complaint

Before the Court is Plaintiff's request for an extension of time to file his amendment to the complaint.

Good cause appearing, the request is GRANTED. Plaintiff shall file his amendment to the complaint no later than **December 1, 2008**. Plaintiff may amend only the excessive force claims against Defendants Thomas and Pulido and not the entire complaint. He must clearly label the document an "Amendment to the Complaint," and write in the case number for this action, Case No.

1 C 06-02105 SBA (PR). The failure to do so on or by the aforementioned deadline will result in the
2 dismissal of the excessive force claims against Defendants Thomas and Pulido without prejudice.

3 CONCLUSION

4 1. The Court's November 4, 2008 Order Dismissing Excessive Force Claims Against
5 Defendants Thomas and Pulido is VACATED.

6 2. Plaintiff's request for an extension of time to amend his excessive force claims
7 against Defendants Thomas and Pulido is GRANTED. **No further extensions of time will be**
8 **granted in this case absent exigent circumstances.**

9 3. This Order terminates Docket no. 26.

10 IT IS SO ORDERED.

11 DATED: 11/10/08



SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JUMAH ALI-THOMAS MOORE,

Plaintiff,

v.

M THOMAS et al,

Defendant.

Case Number: CV06-02105 SBA

CERTIFICATE OF SERVICE

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 November 12, 2008, 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.

Jumah Ali-Thomas Moore D-62389
Pelican Bay State Prison
P.O. Box 7000
Crescent City, CA 95532

Dated: November 12, 2008

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