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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WILLIAM J. WHITSITT,
Plaintiff,
vs.
INDUSTRIAL EMPLOYER DISTRIBUTOR
ASSOCIATION, et al.,
Defendants.

Case No: C 13-0396 SBA

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR AN EXTENSION
OF TIME**

The Court previously granted Defendants' motion to dismiss and dismissed all claims with leave to amend. Plaintiff was given twenty-one days to file his amended complaint, meaning it was due by August 12, 2014, and indicated that the failure to do so would result in the dismissal of the action under Federal Rule of Civil Procedure 41(b). Dkt. 71.

On August 18, 2014, Plaintiff filed a request for "Relief from Default," claiming that the past month has been "pure hell" because he is facing an unlawful detainer action from the house "we were renting." Dkt. 74. He requests an additional forty-five days to file his Fourth Amended Complaint.


No default has been entered in this action, and therefore, his request for relief from default is unripe. As for the proposed extension of time, the Court notes that Plaintiff already has had twenty-one days to prepare his Fourth Amended Complaint and that an additional forty-five days would be excessive. Moreover, Plaintiff did not request an extension of time until after his initial deadline had lapsed. While the Court certainly is within its discretion to dismiss the action, the Court, consistent with obligation to consider less drastic alternatives to dismissal, will afford Plaintiff a fourteen day extension of time to

1 file his amended pleading. Given that Plaintiff's task is to simplify and clarify the
2 discursive and prolix allegations of his Third Amended Complaint, fourteen days should be
3 an ample amount of time. Accordingly,

4 IT IS HEREBY ORDERED THAT Plaintiff's request for an extension of time to file
5 his Fourth Amended Complaint is GRANTED IN PART. Plaintiff shall have fourteen (14)
6 days from the date this Order is filed to file his Fourth Amended Complaint. Plaintiff is
7 again warned the failure to timely file the Fourth Amended Complaint and/or the failure to
8 rectify the deficiencies noted in the Court's comply with this Order dismissing the Third
9 Amended Complaint (Dkt. 71) will result in the dismissal of the action with prejudice. This
10 Order terminates docket 74.

11 IT IS SO ORDERED.

12 Dated: August 26, 2014


13 SAUNDRA BROWN ARMSTRONG
14 United States District Judge
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