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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

GREGORY SYLVESTER RIDEAU, Jr.,
CDCR #K-32522,

Plaintiff,

vs.

L. MINNICK, et al.,

Defendants.

Civil No. 09cv0296 BTM (WMc)

ORDER:

**(1) GRANTING MOTION TO
REOPEN CASE; AND**

**(2) GRANTING PLAINTIFF
EXTENSION OF TIME TO FILE
THIRD AMENDED COMPLAINT**

On October 26, 2009, this Court issued an Order dismissing Plaintiff's Second Amended Complaint for failing to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2) & 1915A(b). Plaintiff was informed of all the deficiencies of pleading found in his Second Amended Complaint and given leave to file a Third Amended Complaint. Instead of filing a Third Amended Complaint, Plaintiff chose to file an Appeal to the Ninth Circuit Court of Appeals which was ultimately dismissed for lack of jurisdiction.

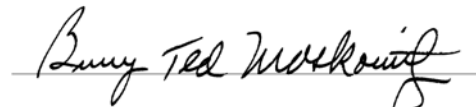
1 Following the issue of the mandate, and due to the fact that the time previously granted
2 to Plaintiff to file a Third Amended Complaint had passed, the Court directed the Clerk of Court
3 to enter judgment and dismissed the case without prejudice.

4 Now Plaintiff has filed a “Motion to Reopen Plaintiff’s Complaint and Request for
5 Change of Venue.” [Doc. No. 20]. The Court will **GRANT** Plaintiff’s Motion to reopen the
6 matter, direct the Clerk of Court to vacate the judgment entered on December 21, 2009 and
7 **DENY** his Motion for change of venue.

8 Plaintiff is **GRANTED** thirty (30) days leave from the date this Order is filed in which
9 to file a Third Amended Complaint and he *must* comply with the Court’s October 26, 2009
10 Order. If Plaintiff fails to file a Third Amended Complaint within this time frame, the Court
11 will, once again, direct the Clerk of Court to enter judgment. No further motions to reopen the
12 matter will be granted.

13 **IT IS SO ORDERED.**

14 DATED: January 28, 2010

15 
16 Honorable Barry Ted Moskowitz
17 United States District Judge
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