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FEDERAL DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

10
11 LANCE R. MARTIN,
12 CDCR # E-17299,

13 Plaintiff,

14 vs.

15 T. HARRINSTON; L. MILLER;
16 C. OROZCO,

17 Defendants.

Civil No. 14cv2914 BEN (PCL)

**ORDER GRANTING MOTION
FOR EXTENSION OF TIME TO
FILE FIRST AMENDED
COMPLAINT**

18 Lance R. Martin ("Plaintiff"), a state prisoner currently incarcerated at Richard J.
19 Donovan Correctional Facility ("RJD") in San Diego, and proceeding pro se, has filed
20 a civil rights complaint ("Compl.") pursuant to 42 U.S.C. § 1983, along with a Motion
21 to Proceed *In Forma Pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a) (ECF Doc. Nos.
22 1, 2).

23 On December 19, 2014, this Court granted Plaintiff's Motion to Proceed IFP and
24 sua sponte dismissed his Complaint for failing to state a claim upon which relief could
25 be granted. (ECF Doc. No. 3.) Plaintiff has been given leave to file a First Amended
26 Complaint in order to correct the deficiencies of pleading identified by the Court. (*Id.*
27 at 8.)
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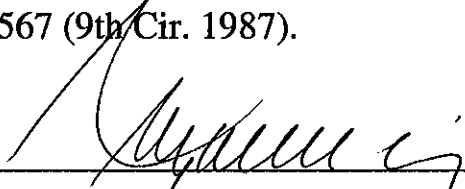
1 On January 16, 2015, this Court granted Plaintiff an extension of time to file a
2 First Amended Complaint. (ECF Doc. No. 8.) On January 29, 2015 and February 3,
3 2015, Plaintiff filed motions to extend his time to file an First Amended Complaint (ECF
4 Doc. Nos. 10, 12.) Plaintiff alleges that he has had difficulty gaining access to the prison
5 law library. "Strict time limits ... ought not to be insisted upon' where restraints
6 resulting from a pro se . . . plaintiff's incarceration prevent timely compliance with court
7 deadlines." *Eldridge v. Block*, 832 F.2d 1132, 1136 (9th Cir. 1987) (citing *Tarantino v.*
8 *Eggers*, 380 F.2d 465, 468 (9th Cir. 1967)); *see also Bennett v. King*, 205 F.3d 1188,
9 1189 (9th Cir. 2000).

10 **CONCLUSION AND ORDER**

11 Based on the foregoing, **IT IS HEREBY ORDERED** that:

12 Plaintiff is **GRANTED** until **April 1, 2015** in which to file a First Amended
13 Complaint which cures all the deficiencies of pleading set forth in the Court's December
14 19, 2014 Order. Plaintiff's First Amended Complaint *must be complete in itself* without
15 reference to his original pleading. *See* S.D. CAL. CIVLR. 15.1. Defendants not named
16 and all claims not re-alleged in the First Amended Complaint will be considered waived.
17 *See King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

18
19 DATED: 2/17/15



HON. ROGER T. BENITEZ
United States District Judge