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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KEVIN HAGAN,
CDCR#AM-6145

Plaintiff,

v.

SCOTT MICHAEL BLUMAN;
CHARLES CHILDERS; SCOTTY
ELECTRIC CO.; KATHY BURGESS,

Defendant.

Case No.: 3:16-cv-02976-LAB-JLB

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

[ECF No. 5]

I. Procedural History

On December 5, 2016, Plaintiff filed his civil rights Complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The Court conducted the required sua sponte screening and dismissed Plaintiff’s Complaint for failing to state a claim upon which relief could be granted. (See ECF No. 3.) Plaintiff was granted forty-five (45) days leave from February 28, 2017 to file an amended complaint in order to correct the deficiencies of pleading identified by the Court. (Id.) However, Plaintiff did not file an amended complaint within that time frame. Instead, on June 6, 2017, Plaintiff filed a “Motion and Request for Leave to File an Amended Complaint” which the Court construes as a motion for extension of time to file an amended pleading.

1 **II. Motion for Extension of Time**

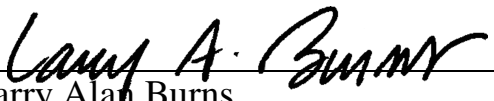
2 In Plaintiff's latest Motion, he claims that he has not been allowed access to the
3 prison law library. (ECF No. 5 at 2.) Based on these allegations, the Court will provide
4 Plaintiff with an additional sixty (60) days in which to file a First Amended Complaint.
5 "Strict time limits ... ought not to be insisted upon' where restraints resulting from a pro
6 se ... plaintiff's incarceration prevent timely compliance with court deadlines." *Eldridge*
7 *v. Block*, 832 F.2d 1132, 1136 (9th Cir. 1987) (citing *Tarantino v. Eggers*, 380 F.2d 465,
8 468 (9th Cir. 1967).

9 **III. Conclusion**

10 The Court **GRANTS** Plaintiff's Motion for Extension of Time to File First
11 Amended Complaint. (ECF No. 5.) Plaintiff is **GRANTED** sixty (60) days leave from
12 the date this Order is signed in which to file a First Amended Complaint which cures all
13 the deficiencies of pleading noted in the Court's February 28, 2017 Order. If Plaintiff
14 fails to file an amended pleading within this time frame, the Court will issue a final Order
15 of dismissal.

16 IT IS SO ORDERED.

17 Dated: July 31, 2017

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20 Hon. Larry Alan Burns
21 United States District Judge
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