UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Kenyatta Jomo,

Case No. 21-cv-2266 (KMM/TNL)

Plaintiff,

v. ORDER

Steve Kallis, Warden; Rochester Federal Medical Center; and United States Federal Hospital,

Defendants.

This matter is before the Court, United States Magistrate Judge Tony N. Leung, on Plaintiff's Motion for Abeyance (ECF No. 17). On October 27, 2021, the Court granted Plaintiff leave to file an amended complaint after noting that his complaint failed "to state a non-frivolous claim for relief." (ECF No. 5 at 1.) On December 16, 2021, the Court ordered that Plaintiff could have 60 additional days to file an amended complaint. (ECF No. 12.) It referred Plaintiff to the Pro Se Project, a program of the Federal Bar Association that attempts to connect unrepresented individuals who receive a court referral with volunteer lawyers who may agree to donate time to talk about their cases, by way of separate correspondence. (ECF No. 13.)

In his current motion, Plaintiff states that he has not been contacted by the Pro Se Project and requests an enlargement of time to file a new complaint until a volunteer attorney can assist him in amending his complaint. (ECF No. 17 at 2.) The Court has since

confirmed that the Pro Se Project has been in touch with Plaintiff and that Plaintiff is

interested in participating in the Pro Se Project. The Court declines to grant Plaintiff's

request to indefinitely extend the deadline for him to file his amended complaint. For good

cause shown, however, the Court shall grant Plaintiff 45 additional days to file his amended

complaint. Plaintiff is reminded that should he not file an amended complaint consistent

with the Court's October 27 Order, this matter may be dismissed either pursuant to 28

U.S.C. § 1915(e)(2)(B) or for failure to prosecute, see Fed. R. Civ. P. 41(b). (See also ECF

No. 12 at 2.)

Therefore, based on the foregoing, and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Abeyance (ECF No. 17) is **GRANTED IN PART** and

DENIED IN PART.

2. Plaintiff shall file his amended complaint on of before March 31, 2022.

Date: January <u>10</u>, 2022

s/Tonv N. Leung

Tony N. Leung

United States Magistrate Judge

District of Minnesota

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