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5   **UNITED STATES DISTRICT COURT**

6   **DISTRICT OF NEVADA**

7   BRIAN EUGENE LEPLEY,   )
)
8   Plaintiff,   )
)
9   v.   )   2:16-cv-02848-RFB-CWH
)
10 STATE OF NEVADA et al.,   )   **ORDER**
)
11   Defendants.   )
)
12 _____)

13 **I.   DISCUSSION**

14   On September 30, 2017, the Court entered a screening order granting Plaintiff 45 days

15 to file a first amended complaint. (ECF No. 33 at 8). The order directed the Clerk of the Court

16 to send Plaintiff a form complaint and a copy of his original complaint. (*Id.* at 9). The order

17 stated that, if Plaintiff did not file a first amended complaint, the Court would dismiss the case

18 with prejudice for failure to state a claim. (*Id.*)

19   On October 5, 2017, Plaintiff filed a motion to extend time to file his first amended

20 complaint. (ECF No. 35 at 1). Plaintiff seeks a 90-day extension of time to file his first

21 amended complaint in part because the Clerk of the Court did not send him a form complaint

22 or a copy of his original complaint. (*Id.* at 1-2). The Court grants Plaintiff's motion for an

23 extension of time. Plaintiff shall file his first amended complaint on or before Friday,

24 December 29, 2017.

25 **II.   CONCLUSION**

26   For the foregoing reasons, IT IS ORDERED that the motion for extension of time (ECF

27 No. 35) is granted. Plaintiff shall file his first amended complaint on or before Friday,

28 December 29, 2017.

1   IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the

2 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his

3 original complaint (ECF No. 1). If Plaintiff chooses to file an amended complaint, he must

4 use the approved form and he will write the words "First Amended" above the words "Civil

5 Rights Complaint" in the caption.

6   IT IS FURTHER ORDERED that, if Plaintiff fails to file an amended complaint curing

7 the deficiencies outlined in the screening order, the court will recommend dismissal of

8 Plaintiff's case.

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10   DATED: October 17, 2017.

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12   _____

                              United States Magistrate Judge

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