UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS HERNANDEZ,

Plaintiff,

v.

CONLEY, *et al.*,

Defendants.

Case No. 1:26-cv-05906-JLT-BAM (PC)

ORDER VACATING FINDINGS AND RECOMMENDATIONS (ECF No. 13)

ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND DEADLINE TO FILE AMENDED COMPLAINT (ECF No. 14)

THIRTY (30) DAY DEADLINE

Plaintiff Jose Luis Hernandez ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 5, 2026, the Court screened Plaintiff's complaint and found that it failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for relief. (ECF No. 8.) The Court issued an order directing Plaintiff to file an amended complaint or notice of voluntary dismissal within 30 days. (*Id.*)

Plaintiff did not file an amended complaint or notice of voluntary dismissal. Accordingly, on September 17, 2026, the undersigned issued findings and recommendations to dismiss this action, with prejudice, for failure to state a claim pursuant to 28 U.S.C. § 1915A, failure to obey a court order, and Plaintiff's failure to prosecute this action. (ECF No. 13.)

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Currently before the Court is Plaintiff's motion to extend the deadline to file an amended complaint, filed on September 14, 2026, and docketed on September 17, 2026. (ECF No. 14.) Plaintiff indicates that on or about August 27, 2026, the institution where he is housed went on a modified lockdown, and inmates did not have access to the law library. Plaintiff therefore requests an additional 45 days to cure the deficiencies in the complaint. (*Id.*)

Having considered the timing and substance of Plaintiff's motion, the Court finds it appropriate to vacate the pending findings and recommendations and to grant Plaintiff an extension of time to file an amended complaint or notice of voluntary dismissal. However, the Court finds an extension of thirty (30) days appropriate under the circumstances.

Accordingly, it is HEREBY ORDERED that:

1. The findings and recommendations issued on September 17, 2026 (ECF No. 13), are VACATED;
2. Plaintiff's motion to extend the deadline to file an amended complaint, (ECF No. 14), is GRANTED;
3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file an amended complaint curing the deficiencies identified by the Court in the August 5, 2026 screening order (or file a notice of voluntary dismissal); and
4. If Plaintiff fails to file an amended complaint in compliance with this order, then the Court will recommend dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim.

IT IS SO ORDERED.

Dated: **September 18, 2026**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE