UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL DAVIS,

Plaintiff,

v.

UNKNOWN, et al.,

Defendants.

No. 2:23-cv-2358 DJC CSK P

ORDER

Plaintiff is a detainee proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons that follow, plaintiff's motion for leave to file a third amended complaint (ECF No. 57) is denied.

This action proceeds on the second amended complaint filed May 1, 2024. (ECF No. 29.) On January 16, 2026, defendants Clendenin and Price filed an amended motion to dismiss. (ECF No. 53.) On February 13, 2026, this Court granted plaintiff a sixty day extension of time to file an opposition to the amended motion to dismiss. (ECF No. 55.) On March 23, 2026, plaintiff filed a motion for leave to file a third amended complaint. (ECF No. 57.) This motion also appears to address defendants' amended motion to dismiss. (Id.) Plaintiff did not file a proposed third amended complaint with the motion to amend. (Id.) On April 10, 2026, defendants Clendenin and Price filed a statement of non-opposition to plaintiff's motion to amend. (ECF No. 59.)

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Because plaintiff did not submit a proposed third amended complaint with the motion to amend, this Court is unable to evaluate plaintiff's motion to file a third amended complaint. For this reason, the motion to amend is denied. Plaintiff is granted thirty days to file a renewed motion to amend accompanied by a proposed third amended complaint. If plaintiff does not file a renewed motion to amend and proposed third amended complaint within thirty days, this Court will rule on the merits of the amended motion to dismiss filed by defendants Clendenin and Price on January 16, 2026.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to file a third amended complaint (ECF No. 57) is denied.

2. Plaintiff is granted thirty days from the date of this order to file a renewed motion to amend accompanied by a proposed third amended complaint. If plaintiff does not file a renewed motion to amend accompanied by a proposed third amended complaint within thirty days of the date of this order, this Court will rule on the amended motion to dismiss.

Dated: May 18, 2026

CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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