IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DeEARL FOSTER,

Plaintiff,

v.

AIDANA RAMIREZ,

Defendant.

No. 2:24-CV-2036-DJC-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On September 11, 2024, the Court directed Plaintiff to file a first amended complaint within 30 days. Plaintiff was warned that failure to file an amended complaint may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. As of November 18, 2024, Plaintiff had not complied, and the Court issued findings and recommendations that this action be dismissed without prejudice. See ECF No. 9. Now before the Court is Plaintiff's motion for an extension of time to file a first amended complaint. See ECF No. 10. Good cause appearing therefor based on Plaintiff's declaration indicating the need for additional time to prepare and file his amended complaint following his return to prison after a temporary transfer to attend a court hearing, the November 18, 2024, findings and recommendations will be vacated and Plaintiff will be granted additional time to

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

comply with the September 11, 2024, order.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations issued on November 18, 2024, ECF No. 9, are vacated.

2. Plaintiff's motion for an extension of time, ECF No. 10, is granted.

3. Plaintiff shall file a first amended complaint within 30 days of the date of this order.

Dated: January 13, 2025

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE