UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERT BONDS, Jr.,

Plaintiff,

v.

JOHN V. DIANA, et al.,

Defendants.

No. 2:25-cv-01635-DAD-SCR

ORDER GRANTING EXTENSION OF TIME TO FILE FIRST AMENDED COMPLAINT

Plaintiff is proceeding pro se in this action, which is referred to the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On June 13, 2025, Plaintiff filed a complaint and a motion to proceed in forma pauperis ("IFP"). ECF Nos. 1 and 2. On July 2, 2025, the Court screened the complaint per the screening process required by 28 U.S.C. § 1915(e)(2) and found the complaint was deficient in that it failed to plead a basis for federal jurisdiction, did not comply with Rule 8, and failed to state a claim. ECF No. 3. The Court's order provided in relevant part that Plaintiff shall have 30 days to file an amended complaint that addresses the defects set forth in the order. ECF No. 3 at 6. The Order warned that failure to comply may result in a recommendation that the action be dismissed. *Id.*

As of August 13, 2025, Plaintiff had not filed an amended complaint, and the Court issued Findings and Recommendations that the action be dismissed without prejudice for the reasons set

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forth in the screening order and for failure to comply with the Court's order dated July 2, 2025. ECF No. 4.

During the fourteen-day period for objections to the Findings and Recommendations, Plaintiff filed a document that appears to be seeking an extension of time to file an amended complaint. ECF No. 5. The document requests a "60 day continuance to amend the complaint on the probate matter concerning case #PR-24-00051 in Solano County for the case #2:25-cv-01635." ECF No. 5 at 1. It is unclear from this statement whether Plaintiff intends to amend his complaint in state court, in this court, or both. However, the Court will grant Plaintiff an extension of time to file an amended complaint in this Court. If an amended complaint is filed, the Court will vacate its prior F&R and screen the amended complaint pursuant to 28 U.S.C. § 1915(e). However, that F&R will remain pending in the meantime. Moreover, Plaintiff is cautioned that merely amending his complaint in state court will not comply with this Court's order dated July 2, 2025. The Court will grant Plaintiff the requested 60 days as calculated from the date the motion was filed, August 25, 2025.

IT IS HEREBY ORDERED:

1. Plaintiff's motion for extension of time (ECF No. 5) is GRANTED. Plaintiff shall file a first amended complaint by no later than **October 24, 2025**. The amended complaint must address the deficiencies set forth in this Court's prior screening order (ECF No. 3).
2. If Plaintiff fails to respond, the action may be dismissed pursuant to the pending F&R. *See also* Fed. R. Civ. P. 41(b); Local Rule 110.
3. If Plaintiff does file a first amended complaint, the Court will vacate the F&R and screen the amended complaint pursuant to 28 U.S.C. § 1915(e).

SO ORDERED.

DATED: September 17, 2025

SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE