



**(PC) Tony Hernandez v. Gipson et al**

2016 | Cited 0 times | E.D. California | February 24, 2016

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TONY HERNANDEZ,

Plaintiff, v. C. GIPSON, et al.,

Defendants.

Case No. 1:14-cv-01270-AWI-BAM-PC ORDER EXTENDING TIME TO FILE AN AMENDED COMPLAINT

Plaintiff Hernandez is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 3, 2016, an order was entered, dismissing the complaint for failure to state a claim and granting Plaintiff leave to file an amended complaint. (ECF No. 10.) On February 22, -revoking (ECF No. 11.)

Plaintiff No. 11 at 3:20.) Pla (Id. 4, 18:-20.)

In the order dismissing the complaint, the Court explained the deficiencies of the complaint, and provided Plaintiff with guidance in the form of the appropriate legal standards for stating a claim for relief. It appears that Plaintiff is expressing his desire to no longer proceed with this action, and seeks to dismiss this action.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff may dismiss this action, on his own motion, so long as a responsive pleading has not been filed. There has been no service of process, and no defendant has entered an appearance. While it is clear that Plaintiff indicates that he believes he is prejudiced in his ability to proceed, it is unclear whether Plaintiff seeks to dismiss this action. The Court will therefore grant Plaintiff thirty days in which to either file an amended complaint in compliance with the February 3, 2016, order, or a notice of voluntary dismissal. Should Plaintiff fail to respond to this order, a recommendation of dismissal will be entered, recommending that this action be dismissed, without prejudice, motion.



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Accordingly, IT IS HEREBY ORDERED that Plaintiff is granted thirty days from the date of service of this order in which to either file an amended complaint or a notice of voluntary dismissal. IT IS SO ORDERED. Dated: February 24, 2016 /s/ Barbara A. McAuliffe \_ UNITED STATES MAGISTRATE JUDGE

