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MDR

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Laura L. Medley,
Plaintiff,
vs.
State of Arizona,
Defendant.

No. CV 10-1971-PHX-MHM (DKD)

ORDER

On September 13, 2010, Plaintiff Laura L. Medley, who is confined in the Arizona State Prison Complex-Perryville in Goodyear, Arizona, filed a *pro se* civil rights Complaint, a “Notice of Constitutional Question,” and a “Motion for a Court Order Requiring A.D.O.C. to Provide Plaintiff with Certificate of Correctional Official as to Status of Applicant’s Trust Account and Certified Inmate Bank Statement.” In an October 6, 2010 Order, the Court denied without prejudice Plaintiff’s Motion and gave Plaintiff 30 days to pay the fee or file a complete Application to Proceed *In Forma Pauperis*. On November 1, 2010, Plaintiff filed an Application to Proceed *In Forma Pauperis*.

In a November 5, 2010 Order to Show Cause, the Court noted that Plaintiff appeared to have at least “three strikes” under 28 U.S.C. § 1915(g). The Court gave Plaintiff 30 days to show cause why the dismissals of her prior lawsuits should not prevent her from proceeding *in forma pauperis* in this action. The Court specifically warned Plaintiff:

If Plaintiff fails to timely respond to this Order or fails to persuade the Court that § 1915(g) does not preclude her *in forma pauperis* status, Plaintiff’s Application to Proceed will be

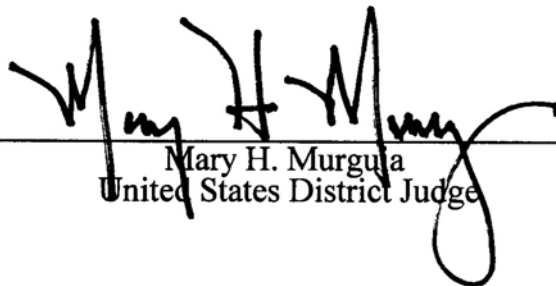
1 denied, and the Complaint and this action will be dismissed
2 without prejudice pursuant to § 1915(g). If Plaintiff wishes to
3 reassert these claims in the future, she must prepay the entire
4 \$350.00 filing fee when she files her action.

5 Plaintiff did not respond to the Order to Show Cause. Instead, she filed a First
6 Amended Complaint that raised an issue entirely unrelated to the issue raised in her original
7 Complaint.¹

8 The Court will dismiss this case pursuant to Rule 41(b) of the Federal Rules of Civil
9 Procedure for failure to comply with the Court's November 5th Order to Show Cause. See
10 Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an
11 action for failure to comply with any order of the Court).

12 **IT IS ORDERED** that this action is **dismissed without prejudice** pursuant to Rule
13 41(b) of the Federal Rules of Civil Procedure for failure to comply with the Court's
14 November 5, 2010 Order to Show Cause; the Clerk of the Court shall enter judgment
15 accordingly and close this case.

16 DATED this 13th day of December, 2010.

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19 _____
20 Mary H. Murgula
21 United States District Judge
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26 _____
27 ¹Plaintiff's allegation in her original Complaint related to earned release credits. Her
28 allegation in her First Amended Complaint is that she has not received a second orthopedic
consultation because Defendant Ryan has not completely replaced medical speciality service
contracts that were terminated in November 2009.