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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT P. BENYAMINI,
Plaintiff,
vs.
MANJUANO, et al.,
Defendants.

1:06-cv-01096-AWI-GSA-PC
ORDER VACATING ORDER TO
SHOW CAUSE AND EXCUSING
PLAINTIFF FROM FILING RESPONSE
(Doc. 78.)

_____ /

Robert P. Benyamini (“Plaintiff”) is a prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983.

On December 15, 2010, the Court issued an Order to Show Cause requiring Plaintiff to file a written response to the Court, within thirty days, showing cause why defendant Debbie Manjuano should not be dismissed from this action based on Plaintiff’s failure to prosecute against her.¹ (Doc. 78.) On December 16, 2010, defendant Debbie Mandujano, R.N., filed an Answer to the Complaint.² (Doc. 79.)

¹ At the time the court issued the Order to Show Cause, defendant Manjuano had not timely answered the Complaint, and Plaintiff had not filed a motion for default.

² Defendant Debbie Mandujano, R.N., was named incorrectly in the Complaint as “Debbie Manjuano.” (Answer, Doc.79 at 1:16-18.)

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Based on these facts, IT IS HEREBY ORDERED that:

1. The court's Order to Show Cause of December 15, 2010, is VACATED; and
2. Plaintiff is not required to file a response to the Order to Show Cause.

IT IS SO ORDERED.

Dated: January 5, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE