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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 DAVID M. BATTISTE, CASE NO. 1:08-cv-01848-GSA PC

10 Plaintiff, **ORDER TO SHOW CAUSE**

11 v. **(Doc. 6)**

12 C/O S. SMYTH, et al., **THIRTY-DAY DEADLINE**

13 Defendants.

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15 Plaintiff David M. Battiste is a state prisoner proceeding pro se and in forma pauperis in this
16 civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 3, 2008. On
17 February 19, 2009, the Court dismissed Plaintiff's complaint, and ordered Plaintiff to file an
18 amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff
19 has not complied with or otherwise responded to the Court's order.

20 Accordingly, Plaintiff is HEREBY ORDERED TO SHOW CAUSE within **thirty (30) days**
21 from the date of service of this order why this action should not be dismissed for failure to prosecute.
22 The failure to respond to this order will result in dismissal of this action.

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24 IT IS SO ORDERED.

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26 **Dated: April 24, 2009**

/s/ Gary S. Austin
27 UNITED STATES MAGISTRATE JUDGE