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

BILLY PHELPS,)	1:09cv01925 AWI DLB
)	
)	
Plaintiffs,)	ORDER DISCHARGING
)	ORDER TO SHOW CAUSE
vs.)	(Document 7)
)	
CHRISTAIN RAMOS, et al.,)	
)	
)	
Defendants.)	

On November 2, 2009, Plaintiff Billy Phelps (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed the instant action civil rights action pursuant to 42 U.S.C. § 1983.

On December 23, 2009, the Court issued Findings and Recommendation that Plaintiff’s state law claims for violation of the California Penal Code be dismissed without leave to amend. The Court also recommended that Plaintiff be given leave to amend his remaining claims for excessive force and malicious prosecution.

On February 8, 2010, the Court issued an order to show cause as to why the action should not be dismissed for Plaintiff’s failure to filing an amended complaint. Plaintiff was ordered to respond to the order to show cause or file an amended complaint within thirty (30) days of that order.

Subsequently, on February 18, 2010, the Court issued an order adopting the Findings and Recommendation. The order also directed Plaintiff to file an amended complaint within thirty (30)

1 days of the date of service of the order.

2 Accordingly, the Order to Show Cause issued on February 8, 2010 is HEREBY
3 DISCHARGED. Plaintiff shall file an amended complaint within the time period established by the
4 Court's February 18, 2010 order.

5

6 IT IS SO ORDERED.

7 **Dated: February 22, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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