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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOHN MICHAEL CRIM,

Plaintiff,

v.

MANAGEMENT & TRAINING
CORP., et al.,

Defendants.

1:09-cv-02041-AWI-GSA-PC

ORDER FOR PLAINTIFF TO EITHER:

**(1) RESPOND IN WRITING THAT HE
INTENDS TO LITIGATE THIS CASE, OR**

**(2) FILE A NOTICE OF VOLUNTARY
DISMISSAL OF THIS CASE**

TEN DAY DEADLINE

I. DISCUSSION

John Michael Crim (“Plaintiff”) is a former federal prisoner proceeding pro se with this civil action. On November 20, 2009, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) On September 22, 2010, Plaintiff filed the First Amended Complaint. (ECF No. 28.) On January 26, 2011, the court dismissed the First Amended Complaint under Rule 220, with leave to amend. (ECF No. 34.) On February 3, 2011, Plaintiff filed the Second Amended Complaint. (ECF No. 35.) On May 25, 2012, the court issued an order requiring Plaintiff to either file a Third Amended Complaint complying with Rule 18, or notify the court he is willing to proceed either, (1) only against defendant McBride for retaliation, or (2) only against defendants Mann and Patrick for disciplinary action related to the Inmate Financial Responsibility Program. (ECF No. 59.) On June 19, 2012, Plaintiff filed the Third Amended

1 Complaint against defendants Management & Training Corp., Adler, Stewart, Curtis Logan,
2 and Does 1-50. (ECF No. 73.)

3 On August 2, 2013, the case was dismissed for lack of subject matter jurisdiction, and
4 judgment was entered on the same day. (ECF Nos. 87, 88.) On August 16, 2013, Plaintiff filed
5 a notice of appeal to the Ninth Circuit. (ECF No. 89.) On April 12, 2017, the Ninth Circuit
6 reversed the dismissal of this case and remanded it to the district court. (ECF No. 95.) The
7 Ninth Circuit's mandate was issued on May 4, 2017. (ECF No. 96.) The Ninth Circuit directed
8 the district court to consider whether Plaintiff's Third Amended Complaint states a claim.
9 Accordingly, the court has reopened this case for further proceedings.

10 At this stage of the proceedings, the court shall require Plaintiff to respond to this order
11 within ten (10) days, either: (1) indicating that he intends to litigate this case, or (2) filing a
12 Notice of Voluntary Dismissal of this case.

13 **II. CONCLUSION**

14 Based on the foregoing, IT IS HEREBY ORDERED that within **ten (10) days** of the
15 date of service of this order, Plaintiff shall either:

- 16 (1) respond in writing that he intends to litigate this case, or
17 (2) file a Notice of Voluntarily Dismissal of this case.

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19 IT IS SO ORDERED.

20 Dated: May 8, 2017

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