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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVID E. WHITLEY,		CASE NO. 1:10-cv-1499-MJS (PC)
Plaintiff,		ORDER DISCHARGING ORDER TO
v.		SHOW CAUSE WHY CASE SHOULD NOT
		BE DISMISSED FOR FAILURE TO COMPLY
DR. LOPEZ, et al.		WITH COURT ORDER
Defendants.		(ECF No. 9)

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Plaintiff David E. Whitley ("Plaintiff"), a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 8, 2009. Plaintiff has consented to the Magistrate Judge handling all matters in this action. (ECF No. 5.)

On October 25, 2011, the Court filed an order, dismissing Plaintiff's complaint with leave to amend. (ECF No. 8.) Plaintiff's amended complaint was due on November 28, 2011. (Id.) After this deadline passed without Plaintiff complying with or responding to the Court's order, the Court on December 19, 2011 ordered Plaintiff to show cause within thirty days why his action should not be dismissed. (ECF No. 9.) Plaintiff filed a response on January 13, 2012. (ECF No. 10.) The Court has considered the merits of Plaintiff's response and, based on Plaintiff's representations therein, will discharge the order to show cause.

Accordingly, it is hereby ORDERED that the order to show cause, filed December

1 19, 2011, is DISCHARGED.

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4 IT IS SO ORDERED.

5 Dated: April 19, 2012

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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