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

RENE ARROYO,

Plaintiff,

v.

JAMES TILTON, et al.,

Defendants.

Case No. 1:11-cv-01186 AWI DLB PC

**ORDER TO SHOW CAUSE WHY ACTION  
SHOULD NOT BE DISMISSED**

**TWENTY-ONE DAY DEADLINE**

Plaintiff Rene Arroyo (“Plaintiff”), a former state prisoner, is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on July 19, 2011. On March 5, 2012, the Court screened Plaintiff’s complaint and found that it stated cognizable claims against Defendants Adams, Schneider, Carter, Matthews, Leon, and Hubach. Plaintiff was ordered to file an amended complaint, or notify the Court of his intent to proceed only on the cognizable claims found in the order. On March 27, 2012, Plaintiff filed notice of his intent to proceed only on the cognizable claims. Therefore, on April 30, 2012, the Court ordered that the action proceed on the following cognizable claims: (1) violation of the Fourth Amendment against Defendant Adams; (2) violation of the Fourteenth Amendment against Defendant Adams; (3) violation of the Eighth Amendment base on the use of excessive force against Defendants Schneider, Carter, Matthews and Leon; (4) violation of the Eighth Amendment based on conditions of confinement against Defendants Hubach, Matthews and Leon; (5) violation of the right to privacy

1 under the California Constitution against Defendant Adams; (6) unreasonable search in violation of  
2 Article I, Section 13 of the California Constitution against Defendant Adams; and (7) use of  
3 excessive force in violation of Article I, Section 17 of the California Constitution against Defendants  
4 Schneider, Carter, Matthews and Leon. The Court dismissed all other claims and Defendants.

5 On September 20, 2013, Defendants filed a motion for summary judgment. (ECF No. 46.)  
6 Plaintiff did not file an opposition. On September 30, 2013, after having paroled, Plaintiff notified  
7 the Court of his change of address. On January 10, 2014, the Court stayed Defendants' motion for  
8 summary judgment pending resolution of discovery issues. On October 29, 2014, the stay was  
9 lifted. The Court noted that Plaintiff had not filed an opposition and therefore directed Plaintiff to  
10 file an opposition within thirty (30) days. Plaintiff did not do so. In fact, since September 30, 2013,  
11 Plaintiff has not communicated with the Court.

12 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE why this action should not be  
13 dismissed for failure to prosecute. Plaintiff shall file a response to this order within twenty-one (21)  
14 days of the date of service.

15 Failure to show cause, or failure to respond to this order, will result in dismissal of this  
16 action.

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18 IT IS SO ORDERED.

19 Dated: January 27, 2015

20 /s/ Dennis L. Beck  
21 UNITED STATES MAGISTRATE JUDGE  
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