

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

LUIS V. RODRIGUEZ,) Case No.: 1:12-cv-00757 – JLT (PC)
Plaintiff,)
v.) ORDER DISCHARGING ORDER TO SHOW
CDCR DEPARTMENTAL REVIEW) CAUSE; ORDER GRANTING 21 DAYS TO FILE
BOARD, et al.,) AMENDED COMPLAINT
Defendant.)

)

Plaintiff (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. On May 14, 2013, the Court granted Plaintiff an additional 30 days from the date of service of the Order to amend his complaint or notify the Court whether he wished to proceed on his cognizable claims. (Doc. 20). When the Court did not receive either the amended complaint or a notification whether Plaintiff wished to proceed on the cognizable claims, the Court ordered Plaintiff to show cause why the matter should not be dismissed. (Doc. 21)

On July 3, 2012, Plaintiff wrote to the Court and reported he prepared an amended complaint and believes that the Court misfiled it in another of Plaintiff's cases (Rodriquez v. Tilton, Case # 2:08-CV-01028 GEB AC). (Doc. 22) Review of that docket reveals Plaintiff filed an amended complaint in that case *which reflects the case number of the Tilton matter*, on June 6, 2013. It *does* appear that this complaint may have been filed in the wrong case. However, because it was filed in the case that

1 corresponds to the case number *Plaintiff placed in the caption*, the Court will not now refile the
2 complaint in this current action.

3 Instead, Plaintiff is granted 21 days to file his amended complaint in this action.

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5 IT IS SO ORDERED.

6 Dated: July 5, 2013

7 /s/ Jennifer L. Thurston
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