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

RIGOBERTO POLONCO,)	Case No.: 1:12-cv-00984-SAB (PC)
Plaintiff,)	ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSE FOR FAILURE TO COMPLY WITH COURT ORDER
v.)	
M. D. BITER, et al.,)	
Defendants.)	(ECF No. 21)
)	
)	

Plaintiff Rigoberto Polonco is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on July 5, 2012. Local Rule 302.

Plaintiff filed the action on June 19, 2012. On January 28, 2014, the Court screened Plaintiff's second amended complaint, and dismissed Defendants Warden Biter and John Doe from the action for failure to state a cognizable claim, and found the action could proceed only on Plaintiff's excessive force against John Does 2 and 3. The Court granted Plaintiff fifteen days to file a status report notifying the Court how much time would be necessary to conduct discovery to ascertain the identifies of the two Doe Defendants. (ECF No. 15, at 5.)

On February 11, 2014, the Court granted Plaintiff thirty additional days to respond to the Court's January 28, 2014, order. After more than thirty days passed and Plaintiff has not complied with or otherwise responded to the Court's order, the action was dismissed and judgment was entered

1 on April 4, 2014. On April 28, 2014, the Court vacated the order of dismissal and entry of judgment
2 in light of Plaintiff's motion for an extension of time submitted on March 17, 2014, and Plaintiff was
3 granted thirty days to file a status report.

4 To date, Plaintiff has not filed a status report in accordance with the Court's April 28, 2014,
5 order, and instead Plaintiff filed a motion to file an appeal on May 5, 2014, and a motion for the
6 appointment of counsel on May 28, 2014. Both motions have been denied by the Court. (ECF Nos.
7 24, 25.)

8 Because Plaintiff has failed to file a status report there is no information before the Court as to
9 identify of the two Doe Defendants to initiate service of process by the U.S. Marshal. Plaintiff was
10 warned that dismissal would occur if he failed to obey the order. Accordingly, Plaintiff will be
11 ordered to show cause why the action should not be dismissed for failure to comply with a court order.

12 Based on the foregoing,

13 IT IS HEREBY ORDERED that within thirty (30) days from the date of service of this order,
14 Plaintiff shall show cause why the action should not be dismissed for failure to comply with a court
15 order.

16
17 IT IS SO ORDERED.

18 Dated: June 11, 2014

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20 _____
21 UNITED STATES MAGISTRATE JUDGE