

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

EARL WARNER,

Plaintiff,

vs.

MATTHEW L. CATE, et al.,

Defendants.

CASE No. 1:12-cv-01146-MJS (PC)

ORDER DISCHARGING ORDER TO
SHOW CAUSE

(ECF No. 9)

_____ /

Plaintiff Earl Warner is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed July 12, 2012 pursuant to 42 U.S.C. § 1983. (ECF No. 1.)

Plaintiff's Complaint was dismissed for failure to state a claim, but he was given leave to file an amended pleading provided he did so by not later than April 2, 2013. (ECF No. 8.) The April 2nd deadline passed without Plaintiff filing an amended pleading or requesting an extension of time to do so. The Court then ordered Plaintiff either to file a first amended complaint or show cause why his case should not be dismissed for failure to prosecute. (ECF No. 9.) Plaintiff filed a First Amended

1 Complaint on May 10, 2013. (ECF No. 10.)

2 Accordingly, the Order to show cause (ECF No. 9) is hereby DISCHARGED.

3
4
5
6
7 IT IS SO ORDERED.

8 Dated: May 10, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE