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

JOHN MICHAEL CRIM,

Plaintiff,

v.

MANAGEMENT & TRAINING  
CORP., et al.,

Defendants.

**1:12-cv-01340-AWI-GSA-PC**

**ORDER FOR PLAINTIFF TO EITHER:**

**(1) RESPOND IN WRITING THAT HE  
INTENDS TO LITIGATE THIS CASE, OR**

**(2) FILE A NOTICE OF VOLUNTARY  
DISMISSAL OF THIS CASE**

**TEN DAY DEADLINE**

**I. DISCUSSION**

John Michael Crim (“Plaintiff”) is a former federal prisoner proceeding pro se with this civil action. On June 12, 2012, Plaintiff filed the Complaint commencing this action in the Kern County Superior Court. On August 16, 2012, defendants removed the case to federal court. (ECF No. 1.) Plaintiff named defendants Management & Training Corp., Adler, Stewart, Mann, McDonough, Patrick, Logan, McBride, and Sy, and brought claims for threat and coercion in violation of the Fifth Amendment, loss of privilege under the Fourteenth Amendment, discrimination, threat to loss of liberty, loss of property and fear of transfer in violation of the Fifth Amendment, conspiracy, loss of freedom of expression under the First Amendment, and false imprisonment. Plaintiff alleged in the Complaint that defendants falsely

1 found him guilty of insolence, took away his property and privileges, housed him in the SHU,  
2 and intimidated him at his new job. On November 26, 2014, the case was dismissed for failure  
3 to state a claim for denial of access to the courts, with prejudice, and judgment was entered on  
4 the same day. (ECF Nos. 29, 30.)

5 On December 17, 2014, Plaintiff filed a notice of appeal to the Ninth Circuit. (ECF No.  
6 31.) On April 12, 2017, the Ninth Circuit reversed the dismissal of this case and remanded it to  
7 the district court. (ECF No. 37.) The Ninth Circuit's mandate was issued on May 4, 2017.  
8 (ECF No. 96.) The Ninth Circuit directed the district court to consider Plaintiff's Complaint  
9 independently of his motion for library access. Accordingly, the court has reopened this case  
10 for further proceedings.

11 At this stage of the proceedings, the court shall require Plaintiff to respond in writing to  
12 this order **within ten (10) days**, either: (1) indicating that he intends to litigate this case, or (2)  
13 filing a Notice of Voluntary Dismissal of this case.

14 **II. CONCLUSION**

15 Based on the foregoing, IT IS HEREBY ORDERED that within **ten (10) days** of the  
16 date of service of this order, Plaintiff shall either:

- 17 (1) respond in writing that he intends to litigate this case, or  
18 (2) file a Notice of Voluntarily Dismissal of this case.

19 IT IS SO ORDERED.  
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21 Dated: May 8, 2017

/s/ Gary S. Austin  
22 UNITED STATES MAGISTRATE JUDGE  
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