

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

10 DAVID MADDOX, Case No. 1:13-cv-00171-BAM (PC)

11 Plaintiff, ORDER TO SHOW CAUSE WHY ACTION
12 v. SHOULD NOT BE DISMISSED FOR
13 B. ORNELLAS, FAILURE TO PROSECUTE AND FAILURE
14 (ECF No. 47)
Defendant TO OBEY COURT ORDER

FOURTEEN (14) DAY DEADLINE

17 Plaintiff David Maddox (“Plaintiff”) is a state prisoner proceeding pro se and in forma
18 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds on
19 Plaintiff’s complaint against Defendant B. Ornellas for deliberate indifference to serious medical
20 needs in violation of the Eighth Amendment. All parties have consented to magistrate judge
21 jurisdiction. (ECF Nos. 9, 50.)

22 On May 19, 2016, Defendants filed a motion for summary judgment. Fed. R. Civ. P. 56.
23 (ECF No. 28.) Plaintiff was provided with notice of the requirements for opposing a that motion.
24 Woods v. Carey, 684 F.3d 934 (9th Cir.2012); Rand v. Rowland, 154 F.3d 952, 957 (9th
25 Cir.1988); Klingele v. Eikenberry, 849 F.2d 409, 411–12 (9th Cir.1988). (ECF No. 28, pp. 19-22.)
26 Plaintiff's opposition was due within twenty-one (21) days of service of Defendants' motion.
27 Plaintiff filed no timely opposition, and thus on June 20, 2016, he was ordered to file an
28 opposition or a statement of non-opposition to Defendants' motion within thirty (30) days. (ECF

1 No. 47.) Plaintiff was expressly warned that the failure to comply with that order would result in
2 dismissal of his action, with prejudice, for failure to prosecute and failure to obey a court order.
3 (Id. at 2.) To date, Plaintiff has not complied with the Court's order, nor has he otherwise been in
4 contact with the Court. Plaintiff will be permitted one final opportunity to show cause why this
5 action should not be dismissed with prejudice.

6 Accordingly, it is HEREBY ORDERED that Plaintiff shall show cause by WRITTEN
7 response within **fourteen (14) days** of service of this order why this action should not be
8 dismissed, with prejudice, for failure to obey the Court's order and for failure to prosecute.

9 **Plaintiff is warned that if the response does not show GOOD CAUSE, this matter will be**
10 **dismissed with prejudice.**

11 IT IS SO ORDERED.
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13 Dated: August 1, 2016

14 /s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE
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