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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMISI J. CALLOWAY,
Plaintiff,
v.
DR. AKANNO, et al.,
Defendants.

Case No. 1:13-cv-00747-SAB-PC
ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH A COURT
ORDER
(ECF No. 35)

Plaintiff Jamisi J. Calloway is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c). (ECF No. 10.)

On November 7, 2016, the Court screened and dismissed Plaintiff’s third amended complaint for failure to state a claim upon which relief could be granted. (ECF No. 35.) Plaintiff was directed to file a fourth amended complaint within thirty days from the date of service of that order. (Id. at 13)

On December 7, 2016, Plaintiff filed a motion for the appointment of counsel. (ECF No. 36.) That motion was denied, and the Court reminded Plaintiff that his most recent amended complaint was dismissed for the failure to state any claim upon which relief could be granted, with leave to amend. (Id. at 2.)

1 Plaintiff's fourth amended complaint was due on or before December 12, 2016. Nearly
2 two months have passed since that deadline, and Plaintiff has not filed a fourth amended
3 complaint. As a result, there is no pleading on file which sets forth any claims upon which relief
4 may be granted.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff shall either:

7 a. Within fourteen (14) days of the date of service of this order, show cause
8 in writing as to why this action should not be dismissed for Plaintiff's failure to comply with the
9 November 7, 2016 order; or

10 b. Within thirty (30) days of the date of service of this order, shall file a
11 Third Amended Complaint in compliance with the Court's November 7, 2016 screening order;
12 and

13 2. Plaintiff is warned that the failure to comply with this order will result in
14 dismissal of this action for failure to comply with a court order and failure to state a cognizable
15 claim upon which relief may be granted.

16 No further extensions will be granted to file an amended complaint or response to this
17 order absent good cause.

18 IT IS SO ORDERED.

19 Dated: February 1, 2017

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21 _____
22 UNITED STATES MAGISTRATE JUDGE
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