

1 (ECF No. 19.) Based on Plaintiff's response, the findings and recommendation were
2 vacated, the order to show cause was discharged, and Plaintiff was granted an
3 extension of time to file an amended complaint. (ECF No. 20.) Thereafter, Plaintiff
4 sought and was granted a further extension of time to file an amended complaint. (ECF
5 No. 22.) The extended deadline again passed without Plaintiff either filing an amended
6 pleading or seeking an extension of time to do so. Accordingly, on October 31, 2014,
7 Plaintiff again was ordered to show cause why the action should not be dismissed. (ECF
8 No. 23.)

9 Thereafter, on November 6, 2014, Plaintiff filed his first amended complaint. (ECF
10 No. 24.) He filed a response to the order to show cause on November 19, 2014, stating
11 that his amended complaint was timely filed. (ECF No. 25.)

12 Plaintiff's amended complaint is dated October 30, 2014. (ECF No. 24.) It was not
13 timely under the Court's September 19, 2014 order granting Plaintiff an extension of
14 time. (ECF No. 22.) The Court does not take lightly Plaintiff's repeated failure to timely
15 respond to Court orders nor the ten month delay in Plaintiff filing his amended complaint.
16 These failures are sufficient to warrant dismissal of the action for failure to prosecute and
17 failure to obey a court order. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.
18 1992) (dismissal for failure to comply with an order requiring amendment of a complaint).
19 Nevertheless, in light of Plaintiff's pro se status, the Court will discharge the order to
20 show cause and will screen Plaintiff's first amended complaint in due course.

21 Accordingly, the order to show cause (ECF No. 23), filed October 31, 2014, is
22 HEREBY DISCHARGED.

23
24 IT IS SO ORDERED.

25 Dated: April 21, 2015

26 */s/ Michael J. Seng*
27 UNITED STATES MAGISTRATE JUDGE
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