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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM THOMAS COATS,
Plaintiff,
v.
CHAUDHRI, et al.,
Defendants.

Case No. 1:13-cv-02032-AWI-BAM (PC)
ORDER DISCHARGING ORDER TO SHOW
CAUSE WHY ACTION SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE
(ECF No. 81)
ORDER REQUIRING PLAINTIFF TO FILE
FIRST AMENDED COMPLAINT
THIRTY (30) DAY DEADLINE

Plaintiff William Thomas Coats (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds against Defendants Fairchild, Gundran, Gladden, Nguyen, and Convalecer for deliberate indifference to serious medical needs in violation of the Eighth Amendment.

On July 10, 2018, the Court granted Defendants’ motions for more definite statement and directed Plaintiff to file a first amended complaint clarifying the allegations in the original complaint regarding the Defendants. (ECF No. 78.) After no response was received, the Court issued an order to show cause why this action should not be dismissed for Plaintiff’s failure to comply with the Court’s order and for failure to prosecute. (ECF No. 81.)

On September 10, 2018, Plaintiff filed a response stating that he had been transferred to a different facility and did not have access to his legal property. Plaintiff requested an extension of

1 time of three to six months. (ECF No. 82.) The Court construed the filing as a motion for stay,
2 and Defendants filed a response on October 25, 2018.¹ (ECF Nos. 84, 86.) Defendants state that
3 they do not oppose Plaintiff's motion, because the request is moot. Specifically, defense counsel
4 states that he has contacted the litigation coordinator at the facility where Plaintiff is currently
5 housed, and has confirmed that all of Plaintiff's legal and non-legal paperwork were delivered to
6 him on or before October 12, 2018. Attached to the response is the complete e-mail
7 correspondence between defense counsel and various prison staff involved in locating Plaintiff's
8 property. (ECF No. 86.)

9 As it appears that Plaintiff is now in possession of his legal property, the Court finds that
10 the request for a stay of these proceedings is now moot. Plaintiff will be permitted a further
11 opportunity to file a first amended complaint which clarifies the allegations in his original
12 complaint regarding the Defendants, in compliance with the Court's July 10, 2018 order.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The order to show cause issued on August 20, 2018, (ECF No. 81), is DISCHARGED;
- 15 2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall:
 - 16 a. File a first amended complaint in compliance with the Court's July 10, 2018 order;
 - 17 or
 - 18 b. Provide a written response specifically explaining why he is unable to file a first
19 amended complaint; and
- 20 3. **The failure to respond to this order will result in the dismissal of this action, with**
21 **prejudice, for failure to obey a court order and failure to prosecute.**

22
23 IT IS SO ORDERED.

24 Dated: October 26, 2018

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE

27
28 ¹ Defendants originally filed a response on October 23, 2018. (ECF No. 85.) An amended response was later filed, including an exhibit that was inadvertently omitted from the original filing. (ECF No. 86.)