

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT M. RAY,) Case No.: 1:14-cv-00020-SAB (PC)
)
Plaintiff,)
) ORDER TO SHOW WHY ACTION SHOULD
) NOT BE DISMISSED FOR FAILURE TO
) COMPLY WITH A COURT ORDER
v.)
) [ECF No. 14]
C/O HARLIEN, et al.,)
Defendants.)
)

Plaintiff Robert M. Ray is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on January 24, 2014. Local Rule 302.

On August 1, 2014, the Court screened and dismissed Plaintiff's first amended complaint, with leave to amend, for failure to state a cognizable claim. (ECF No. 10.)

On August 15, 2014, Plaintiff filed and the Court granted Plaintiff an extension of thirty days to comply with the Court's August 1, 2014, order.

Instead of filing an amended complaint, Plaintiff filed “objections” to the Court’s August 1, 2014, order, on September 8, 2014. On September 30, 2014, the undersigned construed Plaintiff’s “objections” as a motion for reconsideration and denied said motion. (ECF No. 14.) In that order, the Court directed Plaintiff to file a second amended complaint in compliance with the Court’s September 30, 2014, within thirty days or warned the action would be dismissed. (*Id.*)

On October 9, 2014, Plaintiff filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit. (ECF No. 15.) The appeal was dismissed for lack of jurisdiction on October 31, 2014. (ECF No. 18.)

Thus, to date, Plaintiff has not filed an amended complaint or otherwise responded to the Court's September 30, 2014, order. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted under section 1983. Accordingly, Plaintiff shall be directed to show cause in writing why the action should not be dismissed for failure to comply and failure to state a cognizable claim for relief.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Within thirty (30) days from the date of service of this order, Plaintiff shall show cause why the action should not be dismissed for failure to comply with the Court's order. Plaintiff may comply with this order by filing a second amended complaint in compliance with the Court's August 1, 2014, screening order; and
2. Failure to comply with this order will result in dismissal of the action for failure to comply with a court and failure to state a cognizable claim for relief.

IT IS SO ORDERED.

Dated: **November 18, 2014**



UNITED STATES MAGISTRATE JUDGE