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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 MAI THI VU,  
12 Plaintiff,  
13 v.  
14 JACQUES MONIQUE,  
15 Defendant.

Case No. 1:14-cv-0249-LJO-MJS (PC)  
**ORDER DISCHARGING ORDER TO  
SHOW CAUSE**  
**ECF No. 12**

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17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil  
18 rights action brought pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388  
19 (1971).<sup>1</sup> (ECF No. 1, 13.)

20 On June 24, 2014, Plaintiff's complaint was dismissed for failure to state a claim,  
21 but she was given leave to file a first amended complaint within thirty days. (ECF No.  
22 11.) The thirty day deadline passed without Plaintiff either filing an amended pleading or  
23 seeking an extension of time to do so. On August 5, 2014, the Court ordered Plaintiff to  
24 show cause why her action should not be dismissed for failure to comply with a court  
25 order. (ECF No. 12.) Plaintiff filed her first amended complaint on August 7, 2014, and a  
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27 <sup>1</sup> Plaintiff's complaint states that it is brought pursuant to 28 U.S.C. § 1983. (ECF No. 13.) Although Plaintiff is a  
28 state prisoner, she alleges claims against a federal immigration official. As Plaintiff previously was advised, claims  
against an individual acting under color of federal law are cognizable, if at all, under Bivens, rather than 28 U.S.C.  
§ 1983. The Court will construe Plaintiff's complaint liberally as being brought pursuant to Bivens.

1 response to the order to show cause on August 19, 2014. (ECF Nos. 13 & 14.)

2 Plaintiff having complied, the order to show cause (ECF No. 12), filed August 5,  
3 2014, is hereby DISCHARGED.

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5 IT IS SO ORDERED.

6 Dated: September 29, 2014

/s/ Michael J. Seng  
7 UNITED STATES MAGISTRATE JUDGE

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