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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JESUS A. GARCIA,)	Case No.: 1:14-cv-00459-BAM (PC)
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY ACTION
)	SHOULD NOT BE DISMISSED FOR FAILURE
v.)	TO PROSECUTE AND FAILURE TO OBEY
)	COURT ORDER
CALIFORNIA DEPARTMENT OF)	
CORRECTIONS, et al.,)	(ECF No. 28)
)	
Defendants.)	FOURTEEN (14) DAY DEADLINE
)	
)	
)	

Plaintiff Jesus A. Garcia (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds on Plaintiff’s claims for deliberate indifference to his health and safety in violation of the Eighth Amendment against Defendants J. Mejia and J. Faure.

On May 4, 2016, Defendants filed a motion to dismiss Plaintiff’s complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.¹ (ECF No. 15.) Plaintiff’s opposition was due on or before May 31, 2016. Plaintiff filed no opposition, and thus on June 8, 2016, Plaintiff was ordered to file an opposition or a statement of non-opposition to Defendants’ motion within twenty-

¹ The motion was originally filed by Defendant Faure, and was joined by Defendant Mejia. (ECF No. 27.)

1 one (21) days. (ECF No. 22.) Plaintiff was also expressly warned that the failure to comply with that
2 order would result in dismissal of his action, with prejudice, for failure to prosecute and failure to obey
3 a court order. (Id. at 2.) To date, Plaintiff has not complied with that order, nor has he otherwise been
4 in contact with the Court. Plaintiff will be permitted one final opportunity to show cause why this
5 action should not be dismissed with prejudice.

6 Accordingly, it is HEREBY ORDERED that Plaintiff shall show cause by WRITTEN response
7 within **fourteen (14) days** of service of this order why this action should not be dismissed, with
8 prejudice, for failure to obey the Court's order and for failure to prosecute. **Plaintiff is warned that if**
9 **the response does not show GOOD CAUSE, this matter will be dismissed with prejudice.**

10
11 IT IS SO ORDERED.

12 Dated: July 13, 2016

13 /s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE