

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

E'DRICK BROWN,)	1:14cv00705 DLB PC
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY ACTION
)	SHOULD NOT BE DISMISSED FOR
vs.)	FAILURE TO PROSECUTE AND FAILURE
)	TO FOLLOW COURT ORDER
PETERSON,)	
)	THIRTY-DAY DEADLINE
Defendants.)	

Plaintiff E'drick Brown ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed this action on May 12, 2014. Pursuant to Court order, Plaintiff filed a First Amended Complaint on November 5, 2014.¹

On March 31, 2015, the Court dismissed the First Amended Complaint with leave to amend. Plaintiff requested and received three extensions of time within which to file an amended complaint. After the time for filing passed, the Court issued an order to show cause on September 11, 2015.

On October 15, 2015, the Court discharged the order to show cause after Plaintiff filed a response indicating that he had been on lockdown at his place of incarceration. Plaintiff was given an additional thirty (30) days to file his amended complaint.

¹ Plaintiff consented to the jurisdiction of the United States Magistrate Judge on May 21, 2014.

1 On November 30, 2015, the Court granted Plaintiff's motion for additional time and
2 granted another thirty (30) days for Plaintiff to file his amended complaint.

3 On January 4, 2016, Plaintiff filed a motion to stay this action. He stated that he had
4 been transferred in October 2015, and that staff could not locate his legal property. The Court
5 denied the stay on January 7, 2016, but granted Plaintiff *another* thirty (30) day extension of
6 time. The Court noted that separation from property after transfer is generally a temporary issue.
7

8 Well over thirty (30) days have passed and Plaintiff has not filed his amended complaint
9 or otherwise contacted the Court.

10 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, if any he has, why this action
11 should not be dismissed for his failure to follow a Court order and failure to prosecute. Plaintiff
12 must file a response to this order within thirty (30) days of the date of service.

13 Plaintiff may also comply with this order by filing an amended complaint pursuant to the
14 March 31, 2015, order. As this action has pending since May 2014, and Plaintiff has had since
15 March 31, 2015, to file an amended complaint, extensions of time will not be granted absent
16 extraordinary circumstances.

17 Failure to respond will result in dismissal of this action.

18
19 IT IS SO ORDERED.

20 Dated: February 29, 2016

21 /s/ Dennis L. Beck
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28