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

DALE OWEN DUSTIN,

Plaintiff,

v.

GIPSON, et al.,

Defendants.

Case No. 1:14-cv-00757 AWI DLB PC

**ORDER TO SHOW CAUSE WHY ACTION  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO COMPLY WITH COURT  
ORDER AND FAILURE TO PROSECUTE**

**TWENTY-ONE DAY DEADLINE**

Plaintiff Dale Owens Dustin (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 16, 2013, and it was transferred to this Court on May 16, 2014.

On June 9, 2014, the Court screened the complaint and dismissed it with leave to amend. Plaintiff was ordered to file an amended complaint within thirty (30) days of the date of service of the order.

Since that time, Plaintiff has received numerous extensions of time. The Court granted Plaintiff’s last request on October 28, 2014, and instructed Plaintiff that the sixty-day extension would be his final extension.

On December 31, 2014, Plaintiff filed a First Amended Complaint. However, the filing did not comply with the Court’s prior screening order because it was not legible, and the Court struck the filing on February 23, 2015. The Court explained that Plaintiff would be given a final

1 opportunity to file a legible amended complaint in compliance with the Court's June 9, 2014, order.  
2 Plaintiff was given thirty (30) days from the date of service of the order to do so.

3 Over thirty (30) days have passed and Plaintiff has not filed an amended complaint or  
4 otherwise communicated with the Court.

5 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, if any he has, why this action  
6 should not be dismissed for failure to follow a court order and for failure to prosecute. Plaintiff  
7 SHALL file a response to this order within twenty-one (21) days. Plaintiff may also comply with  
8 this order by filing an amended complaint within this time frame.

9 If Plaintiff fails to respond to this order, the Court will recommend that this action be  
10 dismissed.

11 IT IS SO ORDERED.

12  
13 Dated: April 10, 2015

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE