

1 willingness to proceed on the cognizable claim. Plaintiff filed no response and the time
2 for doing so has passed.

3 Accordingly, it is HEREBY ORDERED THAT:

- 4 1. Within fourteen (14) days of service of this Order, Plaintiff shall either:
5 a. file an amended complaint,
6 b. notify the Court of his willingness to proceed on the cognizable
7 claim, or
8 c. show cause as to why this action should not be dismissed for failure
9 to prosecute and failure to comply with the Court's order (ECF No. 42);
10 and
11 2. If Plaintiff fails to show cause or file an amended complaint or notice, the
12 undersigned will recommend that the action be dismissed.

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14 IT IS SO ORDERED.

15 Dated: September 29, 2016

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