

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

RUSSELL RODGERS,

Plaintiff,

vs.

M. BOWEN, et al.,

Defendants.

1:15-cv-00128-EPG-PC

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED,
WITH PREJUDICE, FOR FAILURE TO
STATE A CLAIM UPON WHICH RELIEF
MAY BE GRANTED
(ECF No. 8.)

RESPONSE DUE WITHIN THIRTY
DAYS

Russell Rodgers (“Plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on January 28, 2015. (ECF No. 1.)

On February 19, 2015, Plaintiff consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and no other parties have made an appearance. (ECF No. 7.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

On February 19, 2015, Plaintiff voluntarily filed a First Amended Complaint. (ECF No. 8.) On April 1, 2016, the Court dismissed Plaintiff’s First Amended Complaint for failure to state a claim, with leave to file a Second Amended Complaint within thirty days. (ECF No.

1 10.) 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff has not complied with or
2 otherwise responded to the Court's order. As a result, there is no pleading on file which sets
3 forth any claims upon which relief may be granted.

4 **ORDER TO SHOW CAUSE**

5 Based on the foregoing, IT IS HEREBY ORDERED that:

6 1. Within thirty days of the date of service of this order, Plaintiff is required to
7 respond to this order, showing cause why this case should not be dismissed, with prejudice, for
8 failure to state a claim; and

9 2. Plaintiff's failure to respond to this order shall result in the dismissal of this
10 case, with prejudice, for failure to state a claim.

11 IT IS SO ORDERED.

12
13 Dated: June 13, 2016

14 /s/ Eric P. Gray
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28