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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL SULLIVAN,
Plaintiff,
v.
M. BITER, et al.,
Defendants.

Case No. 1:15-cv-00243-DAD-SAB-PC
ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH A COURT
ORDER AND FAILURE TO PROSECUTE
(ECF NO. 13)
THIRTY DAY DEADLINE

Plaintiff Michael Sullivan is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This action proceeds on the February 17, 2015, complaint. Plaintiff, an inmate in the custody of the California Department of Corrections and Rehabilitation (CDCR) at Corcoran State Prison, brings this action against Defendant correctional officials employed by the CDCR at CSP Corcoran. On February 2, 2016, a screening order was entered, finding that the complaint stated a claim against Defendant Biter for unconstitutional conditions of confinement in violation of the Eighth Amendment. Plaintiff failed to state any other claims for relief. Plaintiff was provided an opportunity to either file an amended complaint or notify the Court of his intention to proceed only against Defendant Biter on his claim of unconstitutional conditions of confinement. (ECF No. 13.)

1 Plaintiff sought four extensions of time in which to file an amended complaint, which
2 were granted. (ECF Nos. 15, 17, 19, 21.) In the fourth motion for extension of time, the Court
3 advised Plaintiff that a generalized difficulty in litigating this action does not constitute good
4 cause to delay this action. Plaintiff was specifically warned that he would be granted one further
5 opportunity to file a first amended complaint in compliance with the February 1, 2016, order.
6 (ECF No. 21 at 3:8.) On August 4, 2016, Plaintiff filed a fifth motion for extension of time.
7 (ECF No. 22.) On August 11, 2016, an order was entered, finding that Plaintiff had not shown
8 good cause for a fifth extension of time. The Court denied Plaintiff's motion, and ordered him to
9 file an amended complaint no later than on or before August 26, 2016. Plaintiff was specifically
10 warned that failure to do so may result in dismissal of his case. (ECF No. 23 at 2:15.) To date,
11 Plaintiff has not file an amended complaint, or otherwise responded to the Court's order.

12 Accordingly, Plaintiff shall show cause within thirty (30) days as to why this action
13 should not be dismissed. Failure to comply with this order will result in a recommendation that
14 this action be dismissed for failure to comply with a court order and failure to prosecute.

15 IT IS SO ORDERED.

16 Dated: August 31, 2016

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19 UNITED STATES MAGISTRATE JUDGE
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