# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 

BENNY RAY CARTER,
Plaintiff,
v.

STATE OF CALIFORNIA and DEPARTMENT OF CORRECTIONS WASCO,

Defendants.

No. 1:15-cv-00313-DAD-GSA

ORDER DISMISSING ACTION FOR FAILURE TO PROSECUTE AND FAILURE TO COMPLY THIS COURT'S ORDERS
(Doc. No. 19)

Plaintiff Benny Ray Carter is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 23, 2017, this court issued an order to show cause why this case should not be dismissed due to petitioner's failure to prosecute and/or failure to comply with the court's Local Rules. (Doc. No. 19.) Therein, the court directed plaintiff Carter to file a written response to the order to show cause within twenty-eight days indicating his intent to proceed with this action and advising this court of his current address. (Id.) ${ }^{1}$ The court further noted that petitioner's failure to comply with the order would result in dismissal of this action. To date, plaintiff has not

[^0]responded to the court's order to show cause.
Accordingly,

1. This action is dismissed without prejudice due to for plaintiff's failure to prosecute and failure to abide by this court's orders; and
2. The Clerk of Court is directed to close this case.

## IT IS SO ORDERED.

Dated: September 28, 2017


UNITED STATES DISTRICT JUDGE


[^0]:    ${ }^{1}$ Service by mail of that order was returned to the court by the U.S. Postal Service as "Undeliverable, Paroled," on July 14, 2017.

