UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSE A. RODRIGUEZ, 　　　　Plaintiff, 　　v. A. ESCOBEDO, 　　　　Defendant.	Case No. 1:15-cv-00404-LJO-BAM-PC ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE AND FAILURE TO OBEY A COURT ORDER (ECF NO. 15) RESPONSE DUE IN FOURTEEN DAYS

Plaintiff Jose A. Rodriguez 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 currently proceeds on Plaintiff's March 13, 2015, complaint against Defendant C/O A. Escobedo for excessive force in violation of the Eighth Amendment.

On February 2, 2016, Defendant filed a motion to dismiss Plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to exhaust available administrative remedies prior to filing suit. 42 U.S.C. § 1997e(a). Plaintiff failed to file an opposition, and on April 14, 2016, an order was entered, directing Plaintiff to file opposition to the motion within twenty-one days. (ECF No. 15.) Plaintiff was expressly warned that failure to comply with that order would result in dismissal of this action, with prejudice, for failure to prosecute and to obey a court order. (Id. at 1:20.) To date, Plaintiff has not complied with that order, nor has he otherwise been in contact with the Court.

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1   Accordingly, IT IS HEREBY ORDERED that Plaintiff shall show cause by WRITTEN

2 response within **fourteen (14) days** of service of this order why this action should not be

3 dismissed, with prejudice, for failure to obey the Court's order and for failure to prosecute.

4 **Plaintiff is warned that if the response does not show GOOD CAUSE, this matter will be**

5 **dismissed with prejudice.**

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7 IT IS SO ORDERED.

8   Dated: **May 16, 2016**   /s/ *Barbara A. McAuliffe*   _

9   UNITED STATES MAGISTRATE JUDGE