1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 TONY EDINBYRD, Case No. 1:15-cv-00529-BAM (PC) 12 ORDER TO SHOW CAUSE WHY THIS Plaintiff. ACTION SHOULD NOT BE DISMISSED 13 v. FOR FAILURE TO STATE A CLAIM, FAILURE TO OBEY A COURT ORDER, 14 DAVE DAVEY, et al., AND FAILURE TO PROSECUTE 15 Defendants. (ECF No. 11) 16 TWENTY (20) DAY DEADLINE 17 Plaintiff Tony Edinbyrd ("Plaintiff") is a state prisoner proceeding pro se and in forma 18 pauperis in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on April 19 20 6, 2015. (ECF No. 1), and consented to magistrate judge jurisdiction on May 5, 2015 (ECF No. 21 5.) 22 On November 8, 2016, this Court issued an order directing the Clerk of Court to file Plaintiff's lodged second amended complaint, and issued a screening order dismissing the second 23 24 amended complaint with leave to amend in thirty (30) days. (ECF No. 11.) The Court expressly warned Plaintiff that the failure to file an amended complaint in compliance with the Court's 25 26 order would result in this action being dismissed for failure to obey a court order and failure to 27 state a claim. (Id. at p. 7.) The deadline for Plaintiff to file an amended complaint has expired, and

he has not complied with or otherwise responded to the Court's order.

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1	Accordingly, the Court HEREBY ORDERS that Plaintiff shall show cause in writing,
2	within twenty (20) days of service of this order, why this action should not be dismissed for
3	Plaintiff's failure to comply with the Court's November 8, 2016 order, for failure to state a claim
4	and for failure to prosecute. Plaintiff can comply with this order to show cause by filing a third
5	amended complaint. The failure to respond to this order will result in the dismissal of this
6	action, with prejudice, for failure to state a claim, failure to obey a court order, and failure
7	to prosecute.
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9	IT IS SO ORDERED.
10	Dated: December 19, 2016 /s/ Barbara A. McAuliffe
11	UNITED STATES MAGISTRATE JUDGE
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