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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY EDINBYRD,
Plaintiff,
v.
DAVE DAVEY, et al.,
Defendants.

Case No. 1:15-cv-00529-BAM (PC)
ORDER DISCHARGING ORDER TO SHOW
CAUSE WHY THIS ACTION SHOULD NOT
BE DISMISSED FOR FAILURE TO STATE A
CLAIM, FAILURE TO OBEY A COURT
ORDER, AND FAILURE TO PROSECUTE
(ECF Nos. 12, 13)

Plaintiff Tony Edinbyrd (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on April 6, 2015 (ECF No. 1), and has consented to magistrate judge jurisdiction. (ECF No. 5.)

On November 8, 2016, the Court issued an order dismissing Plaintiff’s second amended complaint with leave to amend within thirty (30) days. (ECF No. 11.) Plaintiff failed to file an amended complaint. Therefore, on December 19, 2016, the Court issued an order to show cause why this action should not be dismissed for failure to state a claim, failure to obey a court order, and failure to prosecute. (ECF No. 12.) The Court informed Plaintiff that he could comply with the order to show cause by filing a third amended complaint. (*Id.*, p. 2.) On January 12, 2017, Plaintiff filed a third amended complaint.

Based on Plaintiff filing his third amended complaint, the Court finds good cause to discharge the December 19, 2016 order. Accordingly, the Court’s December 19, 2016 order to

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show cause is HEREBY DISCHARGED. The Court advises Plaintiff that his third amended complaint will be screened in due course.

IT IS SO ORDERED.

Dated: January 13, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE