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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT K. RICKS,
Plaintiff,
v.
C. KAMENA, et al.,
Defendants.

Case No. 1:15-cv-00715-BAM (PC)
**ORDER TO SHOW CAUSE WHY THIS
ACTION SHOULD NOT BE DISMISSED
FOR FAILURE TO OBEY A COURT ORDER
AND FAILURE TO PROSECUTE**
(ECF No.25)
TWENTY-ONE (21) DAY DEADLINE

Plaintiff Scott K. Ricks (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. On August 5, 2016, the Court screened Plaintiff’s complaint and found that he had stated cognizable claims under the Eighth Amendment against Defendant Kamena for the failure to protect him from his cellmate’s attack on January 13, 2014, and for deliberate indifference to his serious medical need following the attack. (ECF No. 18.)

On February 24, 2017, Plaintiff filed a motion to amend the complaint solely with respect to damages. (ECF No. 24.) Pursuant to the Court’s Discovery and Scheduling Order, Plaintiff was within the time to file an amended pleading, (ECF No. 23, p. 1), and the Court granted the motion on April 19, 2017, (ECF No. 25). The Court directed Plaintiff to file an amended complaint, limited to the revision of his damages claim, within thirty (30) days following the date of service of the order. (Id.) The deadline for Plaintiff to file an amended complaint has expired,

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

2 Accordingly, the Court HEREBY ORDERS that Plaintiff shall show cause in writing,
3 within **twenty-one (21) days** of service of this order, why this action should not be dismissed for
4 Plaintiff's failure to comply with the Court's April 19, 2017 order and for failure to prosecute.
5 Plaintiff can comply with this order to show cause by filing an amended complaint. **The failure**
6 **to respond to this order will result in the dismissal of this action, with prejudice, for failure**
7 **to obey a court order and failure to prosecute.**

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9 IT IS SO ORDERED.

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11 Dated: June 5, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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