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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE N. ALLEN,
Plaintiff,
v.
AHLIN, et al.,
Defendants.

Case No. 1:15-cv-00989-JLT (PC)
ORDER DISCHARGING ORDER TO SHOW CAUSE AND REQUIRING PLAINTIFF TO EITHER FILE THIRD AMENDED COMPLAINT OR NOTICE DECLINING THE OPPORTUNITY
(Docs. 8-11)
30 DAY DEADLINE

After the Court dismissed the Complaint for his failure to state a cognizable claim, Plaintiff filed the First Amended Complaint which the Court screened and dismissed with leave to file a second amended complaint. (Docs. 1, 6, 7, 8.) When Plaintiff did not file a second amended complaint, the Court ordered issued Plaintiff to show cause why this action should not be dismissed for his failure to comply with the Court’s order and to prosecute this action. (Doc. 9.)

Shortly thereafter, Plaintiff filed the Second Amended Complaint (Doc. 10) and a response to the OSC indicating that, for a brief time, he had been transferred to the Los Angeles County Jail where he was unable to send a change of address notice as he was denied an envelope and stamp (Doc. 11). In his response to the OSC, Plaintiff indicates that he is unaware of the deficiencies in the First Amended Complaint, but filed the Second Amended Complaint attempting to comply with the OSC. (*Id.*) It appears that Plaintiff never received the order that

1 screened the First Amended Complaint as it was delivered to Coalinga State Hospital and
2 returned as undeliverable while Plaintiff was at the Los Angeles County Jail. (Doc. at 04/15/16.)

3 Plaintiff's response to the order to show cause is accepted. Plaintiff is provided another
4 copy of the order that dismissed the First Amended Complaint and **ONE FINAL** opportunity to
5 file a third amended complaint, **not to exceed 25 pages** in length, **within 30 days** of the service
6 of this order. Within that same time, if Plaintiff feels that the Second Amended Complaint cured
7 the defects noted in the order that dismissed the First Amended Complaint, he shall file a notice
8 indicating that he declines the opportunity to file a third amended complaint. Screening of either
9 the Second Amended Complaint, or a third amended complaint will be the final screening of
10 Plaintiff's allegations in this action -- any claims found uncognizable and correlating defendants
11 will be dismissed with prejudice. Alternatively, within that same time, if Plaintiff decides not to
12 pursue this action, he must file a notice of voluntary dismissal. Based on the foregoing, the Court

13 **ORDERS:**

- 14 1. The order to show cause that issued on June 29, 2016 (Doc. 9) is **DISCHARGED**;
- 15 2. The Clerk's Office shall send Plaintiff:
 - 16 a. a copy of the Order Dismissing the First Amended Complaint With Leave to File a
 - 17 Second Amended Complaint, that issued on April 6, 2016 (Doc. 8); and
 - 18 b. a civil rights complaint form;
- 19 3. **Within 30 days**, Plaintiff must file a third amended complaint, a notice that he
20 wishes to proceed to screening on his Second Amended Complaint or a notice of voluntary
21 dismissal.

22 **If Plaintiff fails to comply with this order, this action will be dismissed for failure to obey a**
23 **court order and for failure to state a claim.**

24
25 IT IS SO ORDERED.

26 Dated: May 5, 2017

27 /s/ Jennifer L. Thurston
28 UNITED STATES MAGISTRATE JUDGE