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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 BRIAN APPELATE,  
11 Plaintiff,

12 v.

13 MARLENE ROBICHEAUX, et al.,  
14 Defendants.  
15  
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1:15-cv-01016-LJO-EPG (PC)

ORDER REQUIRING PLAINTIFF TO FILE  
A REPORT OR SECOND AMENDED  
COMPLAINT

THIRTY-DAY DEADLINE

18 Brian Applegate (“Plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis* in  
19 this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff’s initial complaint was  
20 screened, and was dismissed with leave to amend. (ECF No. 8). Plaintiff filed an amended  
21 complaint on September 28, 2015. (ECF No. 9). The amended complaint has not yet been  
22 screened.

23 The Court notes that on August 15, 2016, Plaintiff voluntarily dismissed a similar case,  
24 seemingly because at least one of the issues Plaintiff complained of was resolved. Voluntary  
25 Dismissal, Applegate v. N. Clark, et al., No. 1:15-cv-00207-LJO-EPG (E.D. Cal. Aug. 15,  
26 2016), ECF No. 21. Accordingly, IT IS ORDERED that:

- 27 1. Plaintiff is to file a written report with this Court within thirty days from the  
28 date of the service this order. The report should state whether any of the

1 issues in this case have been resolved and whether Plaintiff intends to proceed  
2 on Plaintiff's First Amended complaint.

3 2. In the alternative, Plaintiff may file a Second Amended Complaint to reflect  
4 any changes in the scope of the claims or relief sought.

5 3. Failure to comply with this order may result in this case being dismissed.

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7 IT IS SO ORDERED.

8 Dated: October 6, 2016

9 /s/ Eric P. Groj  
10 UNITED STATES MAGISTRATE JUDGE  
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