UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TONY TRAN, Plaintiff, v. D. DAVEY, Defendant.	Case No. 1:15-cv-01591-LJO-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 No. 10)

Plaintiff Tony Tran ("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 October 19, 2015. (ECF No. 1.)

On December 2, 2016, the Court issued an order dismissing Plaintiff's first amended complaint with leave to amend within thirty (30) days. (ECF No. 9.) Plaintiff failed to file an amended complaint. Therefore, on January 11, 2017, the Court issued an order for Plaintiff 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. 10.) The Court informed Plaintiff that he could comply with the order to show cause by filing an amended complaint. (*Id.* at 2.) On February 6, 2017, Plaintiff filed a second amended complaint. (ECF No. 11.)

Based on Plaintiff's filing his second amended complaint, the Court finds good cause to discharge the January 11, 2017 order. Accordingly, the Court's January 11, 2017 order to show

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

IT IS SO ORDERED.

Dated: **February 7, 2017**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE