**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

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| RICARDO MARTINEZ,<br><br>Plaintiff,<br><br>v.<br><br>D. DAVEY, et al.,<br><br>Defendants. | Case No.: 1:16-cv-00084-LJO-BAM (PC)<br><br>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<br><br>(ECF No. 25)<br><br>**FOURTEEN (14) DAY DEADLINE** |

Plaintiff Ricardo Martinez ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 9, 2016, the Court dismissed Plaintiff's complaint with leave to amend within thirty (30) days. (ECF No. 25.) Plaintiff was warned that if he failed to file an amended complaint in compliance with the Court's order, this action would be dismissed, with prejudice, for failure to obey a court order and failure to state a claim. (Id. at p. 12.) The deadline for Plaintiff to file his amended complaint has passed, and he has not complied with or otherwise responded to the Court's order. On August 24, 2016, Plaintiff filed objections to Findings and Recommendations re motion to compel, but these objections do not comply with the Court's order to file an amended complaint.

Accordingly, IT IS HEREBY ORDERED that Plaintiff shall show cause, **within fourteen (14) days** of service of this order, why this action should not be dismissed based on Plaintiff's failure to comply with the Court's August 9, 2016 order, for failure to state a claim and for failure to prosecute.

IT IS SO ORDERED.

Dated: **September 19, 2016**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE