



1 After the Court issued the order to show cause, the Court received a first amended complaint  
2 with a proof of service indicating it was delivered to prison officials for mailing on September 5, 2016.  
3 (ECF No. 30). As a result, the Court found it appropriate to discharge the order to show cause.  
4 However, because the first amended complaint lacked any signature, the Court struck it from the  
5 record and granted Plaintiff thirty (30) days from September 28, 2016, to file a signed complaint that  
6 complied with Federal Rules of Civil Procedure and the Local Rules. (ECF No. 32). Plaintiff was  
7 warned that if he failed to file an amended complaint in compliance with the Court's order, the Court  
8 would dismiss this action, with prejudice, for failure to state a claim, failure to prosecute and failure to  
9 obey a court order. (ECF No. 32, p. 3). More than thirty (30) days have passed, and Plaintiff has not  
10 filed a signed amended complaint that complies with the Federal Rules of Civil Procedure and the  
11 Local Rules. Instead, on October 18, 2016, Plaintiff filed a notice indicating that he mailed his  
12 amended complaint to the Court on September 5, 2016, but the envelope was returned to him on  
13 September 21, 2016. On that same date, he sent the documents to the Court for a second time. (ECF  
14 No. 34).

15 Plaintiff's notice appears to reference the unsigned first amended complaint received by the  
16 Court on September 23, 2016, (ECF No. 30), which has been stricken from the record for lack of  
17 signature. It is unclear whether Plaintiff intends to further prosecute this action by filing an amended  
18 complaint that is signed and in compliance with the Federal Rules of Civil Procedure and the Locals  
19 Rules. Accordingly, IT IS HEREBY ORDERED that Plaintiff shall show cause, within **fourteen (14)**  
20 **days** of service of this order, why this action should not be dismissed based on Plaintiff's failure to  
21 comply with the Court's September 28, 2016 order, for failure to state a claim and for failure to  
22 prosecute.

23  
24 IT IS SO ORDERED.

25 Dated: November 7, 2016

/s/ Barbara A. McAuliffe  
26 UNITED STATES MAGISTRATE JUDGE