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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	RICARDO MARTINEZ,) Case No.: 1:16-cv-00084-LJO-BAM (PC)
12	Plaintiff,) ORDER TO SHOW CAUSE WHY THIS ACTION
13	v.) SHOULD NOT BE DISMISSED FOR FAILURE) TO STATE A CLAIM, FAILURE TO OBEY A
14	D. DAVEY, et al.,) COURT ORDER, AND FAILURE TO) PROSECUTE
15	Defendants.)
16) (ECF No. 32)
17) FOURTEEN (14) DAY DEADLINE
18) _)
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20	Plaintiff Ricardo Martinez ("Plaintiff") is a state prisoner proceeding pro se and in forma	
21	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.	
22	On August 9, 2016, the Court dismissed Plaintiff's complaint with leave to amend within thirty	
23	(30) days. (ECF No. 25). Plaintiff was warned that if he failed to file an amended complaint in	
24	compliance with the Court's order, this action would be dismissed, with prejudice, for failure to obey a	
25	court order and failure to state a claim. (Id. at p. 12). Plaintiff failed to comply with the Court's order.	
26	Therefore, on September 20, 2016, the Court issued an order to show cause why this action should not	
27	be dismissed based on Plaintiff's failure to comply with the Court's August 9, 2016 order, for failure	
28	to state a claim and for failure to prosecute. (ECF No. 30).	

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

Plaintiff's notice appears to reference the unsigned first amended complaint received by the Court on September 23, 2016, (ECF No. 30), which has been stricken from the record for lack of signature. It is unclear whether Plaintiff intends to further prosecute this action by filing an amended complaint that is signed and in compliance with the Federal Rules of Civil Procedure and the Locals Rules. 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 September 28, 2016 order, for failure to state a claim and for failure to prosecute.

IT IS SO ORDERED.

Dated: November 7, 2016

/s/ Barbara A. McAuliffe UNITED STATES MAGISTRATE JUDGE