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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICARDO MARTINEZ,
Plaintiff,
v.
D. DAVEY, et al.,
Defendants.

Case No. 1:16-cv-00084-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. 35)

Plaintiff Ricardo Martinez (“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 23, 2015, and the matter was transferred to this Court on January 20, 2016. (ECF Nos. 1, 11.)

On August 9, 2016, the Court issued an order dismissing Plaintiff’s complaint with leave to amend within thirty (30) days. (ECF No. 25.) Plaintiff failed to file an amended complaint. Therefore, on September 20, 2016, the Court issued an 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. 28.)

On September 23, 2016, Plaintiff filed an unsigned first amended complaint. (ECF No. 30.) Thereafter, on September 28, 2016, the Court discharged the September 20, 2016 order to

1 show cause, struck the unsigned first amended complaint, and directed Plaintiff to file a signed
2 first amended complaint within thirty (30) days. (ECF No. 32.) Plaintiff failed to file a signed first
3 amended complaint. As a result, on November 8, 2016, the Court issued an order to show cause
4 why this action should not be dismissed for failure to state a claim, failure to obey a court order,
5 and failure to prosecute. (ECF No. 35.) On December 1, 2016, Plaintiff filed a signed first
6 amended complaint. (ECF No. 37.)

7 Based on Plaintiff filing his signed first amended complaint, the Court finds good cause to
8 discharge the November 8, 2016 order. Accordingly, the Court's November 8, 2016 order to
9 show cause is **HEREBY DISCHARGED**. The Court advises Plaintiff that his first amended
10 complaint will be screened in due course.

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12 **IT IS SO ORDERED.**

13 Dated: **December 5, 2016**

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

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