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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWIN GARCIA, Case No. 1:16-cv-00237 DLB
Plaintiff, ORDER REQUIRING PLAINTIFF TO
v. CLARIFY INTENT TO PROSECUTE THIS
CDCR MEDICAL DEPARTMENT, ACTION
(Document 14)
Defendant.

Plaintiff Edwin Garcia (“Plaintiff”), a state inmate in the custody of the California Department of Corrections and Rehabilitation (“CDCR”), is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.¹ Plaintiff filed this action on February 19, 2016.

On June 29, 2016, the Court issued an order to show cause why this action should not be dismissed for failure to follow a Court order and failure to prosecute. Plaintiff was ordered to file response within twenty-one (21) days.

On July 11, 2016, Plaintiff filed his response. The Court discharged the order to show cause on July 13, 2016, and granted Plaintiff an additional thirty (30) days to file an amended complaint.

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¹ Plaintiff consented to the jurisdiction of the United States Magistrate Judge on April 18, 2016.

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On August 2, 2016, Plaintiff filed a letter with the Court indicating that he could not comply with Court orders because he is illiterate. He also states that he “must, and will, seek different venue of proceeding further.” ECF No. 14.

It appears as though Plaintiff wishes to voluntarily dismiss this action pursuant to Federal Rule of Civil Procedure 41(a). However, prior to closing this action, the Court ORDERS Plaintiff to clarify his intent. Therefore, within thirty (30) days, Plaintiff must inform this Court if he intends to proceed with this case.

If Plaintiff does not respond, the Court will dismiss the action for failure to prosecute.

IT IS SO ORDERED.

Dated: August 9, 2016

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE