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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARCUS CARTER,

Case No. 1:16-cv-00365 DLB

Plaintiff,

ORDER DISCHARGING ORDER
TO SHOW CAUSE
(Document 10)

v.

DAVEY, et al.,

ORDER GRANTING PLAINTIFF
EXTENSION OF TIME TO FILE AMENDED
COMPLAINT

Defendants.

Plaintiff Marcus Carter (“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. Plaintiff filed this action on March 8, 2016.¹

On June 8, 2016, the Court screened the complaint and ordered Plaintiff to either file an amended complaint, or notify the Court of his willingness to proceed only on the cognizable claim. Pursuant to that order, an amended complaint was due within thirty (30) days.

On July 25, 2016, after the time for filing an amended complaint had passed, the Court issued an order to show cause why the action should not be dismissed for failure to follow a Court order and failure to prosecute.

On August 25, 2016, Plaintiff filed a response to the order. It appears that Plaintiff attempted to timely file his amended complaint, but it was returned to him by the Clerk’s Office

¹ Plaintiff consented to the jurisdiction of the United States Magistrate Judge on March 21, 2016.

1 with instructions to use the e-filing system. Plaintiff then tried to do so, but the prison librarian
2 inadvertently filed the document in the Sacramento division of this Court. For good cause, the
3 order to show cause is DISCHARGED.

4 Plaintiff SHALL file his amended complaint within thirty (30) days of the date of service
5 of this order.

6
7 IT IS SO ORDERED.

8 Dated: August 29, 2016

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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