1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 EDWARD PRICE, Case No. 1:16-cv-00702-LJO-BAM 12 Plaintiff. ORDER DISCHARGING ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT 13 v. BE DISMISSED FOR FAILURE TO STATE A CLAIM AND FAILURE TO OBEY A 14 RAYMOND E. MABUS, Secretary, COURT ORDER (Doc. 12) Department of the Navy, 15 ORDER GRANTING PLAINTIFF LEAVE TO Defendant. FILE FOURTH AMENDED COMPLAINT 16 THIRTY-DAY DEADLINE 17 18 Plaintiff Edward Price ("Plaintiff"), proceeding pro se and in forma pauperis, initiated this 19 20 action on May 19, 2016. (Doc 1). 21 On November 29, 2016, the Court issued a screening order dismissing Plaintiff's third 22 amended complaint and granting him a final opportunity to amend his complaint within thirty 23 (30) days. (Doc. 10). The Court expressly warned Plaintiff that the failure to file an amended 24 complaint in compliance with the Court's order would result in this action being dismissed for failure to state a cognizable claim and failure to obey a court order. (Id. at 6). On December 29, 25 26 2016, in lieu of a fourth amended complaint, Plaintiff filed a letter with the Court addressed to Defendant Raymond E. Mabus in support of his complaint. (Doc. 11). 27

Based on Plaintiff's failure to file an amended complaint, on January 13, 2017, the Court

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issued an order directing Plaintiff to show cause in writing why this action should not be dismissed for Plaintiff's failure to comply with the Court's November 19, 2016 screening order and for failure to state a claim. (Doc. 12). On January 23, 2017, Plaintiff filed an apparent response to the Court's order to show cause, in the form of a letter to the Secretary of the Navy complaining of discrimination prior to his termination from the Fleet Logistics Center at NAS Lemoore, California. (Doc. 13).

Plaintiff's response to the order to show cause demonstrates to the Court that Plaintiff is attempting to prosecute this action. In an abundance of caution, Plaintiff will be given an additional thirty (30) days to file an amended complaint in this action. Plaintiff's amended complaint should be a short and plain statement of his claims, the factual allegations supporting his claims, and a statement regarding the relief he is seeking from the court. Fed. R. Civ. P. 8. Plaintiff must state what each defendant did or did not do that led to the deprivation of his rights. *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79, 129 S.Ct. 1937, 1948-49 (2009). Further, Plaintiff's amended complaint must be "complete in itself" without reference to any prior complaint filed in this action. Local Rule 220.

Based on the above, IT IS HEREBY ORDERED that:

- 1. The Order to Show Cause issued on January 13, 2017, is DISCHARGED;
- 2. Within thirty (30) days from the date of service of this order, Plaintiff shall file a fourth amended complaint; and
- If Plaintiff fails to file a fourth amended complaint in compliance with this order, this
 action will be dismissed for failure to obey a court order and failure to state a
 cognizable claim.

IT IS SO ORDERED.

25 Dated: **April 19, 2017**

/s/ Barbara A. McAuliffe