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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	ARMANDO ABREU,	Case No. 1:16-cv-00715-BAM (PC)
12	Plaintiff,	ORDER DISCHARGING ORDER TO SHOW CAUSE AND GRANTING LEAVE TO
13	V.	AMEND
14	G. JAIME, et al.,	(ECF No. 26)
15		
15	Defendants.	THIRTY (30) DAY DEADLINE
15	Defendants.	THIRTY (30) DAY DEADLINE
		THIRTY (30) DAY DEADLINE is a state prisoner proceeding pro se and in forma
16	Plaintiff Armando Abreu ("Plaintiff")	
16 17	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198	is a state prisoner proceeding pro se and in forma
16 17 18	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a	is a state prisoner proceeding pro se and in forma 3. Plaintiff initiated this action on May 23, 2016.
16 17 18 19	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a complaint for failure to state a cognizable cla	is a state prisoner proceeding pro se and in forma3. Plaintiff initiated this action on May 23, 2016.screening order dismissing the third amended
16 17 18 19 20	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a complaint for failure to state a cognizable cla	 is a state prisoner proceeding pro se and in forma 3. Plaintiff initiated this action on May 23, 2016. screening order dismissing the third amended im, and granted Plaintiff leave to file an amended 25.) On July 13, 2017, the Court's order was
16 17 18 19 20 21	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a complaint for failure to state a cognizable cla complaint within thirty (30) days. (ECF No. returned as Undeliverable, Inmate not at this	 is a state prisoner proceeding pro se and in forma 3. Plaintiff initiated this action on May 23, 2016. screening order dismissing the third amended im, and granted Plaintiff leave to file an amended 25.) On July 13, 2017, the Court's order was
 16 17 18 19 20 21 22 	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a complaint for failure to state a cognizable cla complaint within thirty (30) days. (ECF No. returned as Undeliverable, Inmate not at this complaint. On September 28, 2017, the Court	 9 is a state prisoner proceeding pro se and in forma 3. Plaintiff initiated this action on May 23, 2016. screening order dismissing the third amended im, and granted Plaintiff leave to file an amended 25.) On July 13, 2017, the Court's order was Institution. Plaintiff did not file an amended
 16 17 18 19 20 21 22 23 	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a complaint for failure to state a cognizable cla complaint within thirty (30) days. (ECF No. returned as Undeliverable, Inmate not at this complaint. On September 28, 2017, the Court	 a state prisoner proceeding pro se and in forma 3. Plaintiff initiated this action on May 23, 2016. a screening order dismissing the third amended and granted Plaintiff leave to file an amended b) On July 13, 2017, the Court's order was c Institution. Plaintiff did not file an amended c Institution. Plaintiff did not file an amended
 16 17 18 19 20 21 22 23 24 	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a complaint for failure to state a cognizable cla complaint within thirty (30) days. (ECF No. returned as Undeliverable, Inmate not at this complaint. On September 28, 2017, the Court should not be dismissed for failure to state a prosecute. (ECF No. 26.)	 a state prisoner proceeding pro se and in forma 3. Plaintiff initiated this action on May 23, 2016. a screening order dismissing the third amended and granted Plaintiff leave to file an amended b) On July 13, 2017, the Court's order was c Institution. Plaintiff did not file an amended c Institution. Plaintiff did not file an amended
 16 17 18 19 20 21 22 23 24 25 	Plaintiff Armando Abreu ("Plaintiff") pauperis in this action under 42 U.S.C. § 198 On June 21, 2017, the Court issued a complaint for failure to state a cognizable cla complaint within thirty (30) days. (ECF No. returned as Undeliverable, Inmate not at this complaint. On September 28, 2017, the Cour should not be dismissed for failure to state a prosecute. (ECF No. 26.) Currently before the Court is Plaintiff	 is a state prisoner proceeding pro se and in forma 3. Plaintiff initiated this action on May 23, 2016. screening order dismissing the third amended im, and granted Plaintiff leave to file an amended 25.) On July 13, 2017, the Court's order was Institution. Plaintiff did not file an amended et issued an order to show cause why this action claim, failure to obey a court order, and failure to

1	property was stored at Salinas Valley State Prison while Plaintiff testified as a witness in Kern		
2	County Superior Court. Plaintiff states he did not have his legal property to communicate with		
3	the Court, nor did he receive any mail from the Court at this time. Plaintiff states that he only		
4	received the Court's June 20, 2017 order and the September 28, 2017 show cause order, but he		
5	never received the Court's June 21, 2017 screening order. Plaintiff attaches copies of the two		
6	orders he received. (<u>Id.</u>)		
7	Good cause appearing, IT IS HEREBY ORDERED that:		
8	1. The order to show cause issued on September 28, 2017, (ECF No. 26), is		
9	DISCHARGED;		
10	2. The Clerk's Office shall send to Plaintiff a civil rights complaint form;		
11	3. The Clerk's Office shall send to Plaintiff a copy of the Court's June 21, 2017		
12	screening order dismissing the third amended complaint for failure to state a		
13	cognizable claim and granting leave to amend (ECF No. 25);		
14	4. Within thirty (30) days from the date of service of this order, Plaintiff shall file a		
15	fourth amended complaint or a notice of voluntary dismissal; and		
16	5. If Plaintiff fails to file an amended complaint in compliance with this order and		
17	the Court's June 21, 2017 screening order, the Court will dismiss this action, with		
18	prejudice, for failure to state a claim and failure to obey court orders.		
19	IT IS SO ORDERED.		
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21	Dated: October 10, 2017 /s/ Barbara A. McAuliffe UNITED STATES MAGISTRATE JUDGE		
22	UNITED STATES MADISTRATE JUDGE		
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