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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CARTHELL DAVID JEYS,	
Plaintiff,	
v.	
AUDRY KING, et al.,	
Defendants.	

Case No. 1:16-cv-01751-BAM (PC)

ORDER REGARDING PLAINTIFF’S  
RESPONSE TO ORDER TO SHOW CAUSE  
(ECF No. 10)

ORDER DIRECTING PLAINTIFF TO FILE A  
FIRST AMENDED COMPLAINT WITHIN  
**THIRTY (30) DAYS**

Plaintiff Carthell David Jeys (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action. Plaintiff initiated this action on December 23, 2016. (ECF No. 1.) Plaintiff has consented to magistrate judge jurisdiction. (ECF No. 4.)

On July 5, 2017, the Court issued an order dismissing Plaintiff’s complaint with leave to amend within thirty (30) days. (ECF No. 8.) The Court expressly warned Plaintiff that the failure to file an amended complaint in compliance with the Court’s order would result in this action being dismissed, with prejudice, for failure to obey a court order and failure to state a claim. (*Id.* at 7.) Plaintiff did not file an amended complaint or otherwise respond to the Court’s July 5, 2017 order.

On August 14, 2017, the Court ordered Plaintiff 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. 9.) Plaintiff was directed to file a first amended complaint or respond to the order

1 within twenty (20) days. (Id.) The Court's order again warned Plaintiff that failing to timely  
2 respond would result in dismissal of this action, with prejudice. (Id.)

3 On August 21, 2017, Plaintiff filed a document entitled "Amendant [sic] per Court  
4 Order." (ECF No. 10.) This document, though difficult to understand, appears to indicate that  
5 Plaintiff received the Court's order directing him to file an amended complaint in this action.  
6 Plaintiff then appears to set forth factual allegations related to the allegations pled in the original  
7 complaint. Plaintiff has not used a standard complaint form, does not list any defendants, and  
8 fails to request any form of relief. (Id.)

9 Plaintiff's filing is not responsive to the Court's order which directed Plaintiff to file a  
10 first amended complaint or to show cause why he has been unable to do so. Therefore, the Court  
11 will not discharge the order to show cause issued on August 14, 2017. The Court will provide  
12 Plaintiff additional time to file a first amended complaint or a response stating why he is unable to  
13 do so.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The Clerk's Office shall send Plaintiff a complaint form;
- 16 2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file a first  
17 amended complaint; and
- 18 3. **If Plaintiff fails to file an amended complaint in compliance with this order, this**  
19 **action will be dismissed, with prejudice, for failure to obey a court order, failure**  
20 **to state a claim, and failure to prosecute.**

21 IT IS SO ORDERED.  
22

23 Dated: August 24, 2017

24 /s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE  
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