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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-01913-BAM (PC)
ORDER DISCHARGING ORDER 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 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.) Plaintiff did not file an amended complaint or otherwise respond to the Court’s 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 within twenty (20) days. (Id.)

On August 21, 2017, Plaintiff filed a document entitled “Amendant [sic] per Court Order.” (ECF No. 10.) As the document was nonresponsive to the Court’s order, the Court

1 issued an order extending the show cause order and providing Plaintiff with additional time to file
2 a first amended complaint or a response stating why he was unable to do so, within thirty (30)
3 days. (ECF No. 11.) On September 7, 2017, Plaintiff filed a first amended complaint. (ECF No.
4 12.)

5 Based on the filing of Plaintiff's first amended complaint, the Court finds good cause to
6 discharge the order to show cause. Accordingly, the Court's August 14, 2017 order to show
7 cause, (ECF No. 9), is HEREBY DISCHARGED. The Court advises Plaintiff that his first
8 amended complaint will be screened in due course.

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10 IT IS SO ORDERED.

11 Dated: September 11, 2017

/s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE

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