

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROGELIO MAY RUIZ,

Plaintiff,

V.

R. MOBERT,

Defendant.

Case No.: 1:17-cv-00709-AWI-BAM (PC)

ORDER TO SHOW CAUSE WHY THIS  
ACTION SHOULD NOT BE DISMISSED  
FOR THE FAILURE TO OBEY A COURT  
ORDER AND FAILURE TO PROSECUTE

## **TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Rogelio May Ruiz is a state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(B) and Local Rule 302.

On September 15, 2017, the Court issued an order striking Plaintiff's complaint as it was not written in the English language, and requiring him to file a complaint in the English language or notice of voluntary dismissal within thirty (30) days. (ECF No. 18.) The Court expressly warned Plaintiff that the failure to comply with that order would result in this action being dismissed. (*Id.* at 2.) The deadline for Plaintiff to file a complaint has passed, and he has not complied with the Court's order.

Accordingly, it is HEREBY ORDERED that Plaintiff shall show cause in writing, within **twenty-one (21) days** of service of this order, why this action should not be dismissed for the failure to comply with the Court's September 15, 2017 order and failure to prosecute. Plaintiff can comply with this order to show cause by filing a complaint within the twenty-one (21) day

1 deadline. **The failure to comply with this order will result in the dismissal of this action for**  
2 **the failure to obey a court order and failure to prosecute.**

3 IT IS SO ORDERED.  
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5 Dated: October 30, 2017

6 /s/ *Barbara A. McAuliffe*  
7 UNITED STATES MAGISTRATE JUDGE

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