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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL MATHEW ROE,  
Plaintiff,  
v.  
DAVEY, et al.,  
Defendants.

Case No. 1:17-cv-01221-DAD-BAM (PC)  
**ORDER DIRECTING PLAINTIFF TO  
SUBMIT COMPLETED SERVICE  
DOCUMENTS OR SHOW CAUSE WHY  
THIS ACTION SHOULD NOT BE  
DISMISSED FOR FAILURE TO  
PROSECUTE**  
(ECF No. 17)  
**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Michael Mathew Roe (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant Gutierrez for excessive force and deliberate indifference to serious medical needs in violation of the Eighth Amendment.

On October 11, 2018, the Court issued an order authorizing service of Plaintiff’s complaint and forwarding service documents to Plaintiff for completion and return within thirty days. (ECF No. 17.) The Court expressly warned Plaintiff that failure to comply with the Court’s order would result in dismissal of this action. (Id. at 2.)

As of the date of this order, Plaintiff has submitted a completed summons and a partial copy of the USM-285 form for Defendant Gutierrez. (ECF No. 18.) Plaintiff has not submitted the complete five-part copy of the USM-285, nor has he submitted two copies of the complaint,

1 as instructed. Plaintiff has not complied with the Court's order.

2 Accordingly, IT IS HEREBY ORDERED as follows:

- 3 1. Within **twenty-one (21) days** from the date of service of this order, Plaintiff shall submit  
4 a completed USM-285 and two copies of the endorsed complaint filed on September 12,  
5 2017, for Defendant Gutierrez, as discussed in the Court's October 11, 2018 order, or shall  
6 show cause in writing why this action should not be dismissed; and  
7 2. **Plaintiff's failure to comply with this order will result in dismissal of this action for**  
8 **failure to obey court orders and failure to prosecute.**

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10 IT IS SO ORDERED.

11 Dated: October 24, 2018

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

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