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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	MAURICIO ARANA,	Case No. 1:17-cv-01702-DAD-BAM (PC)
12	Plaintiff,	ORDER DIRECTING PLAINTIFF TO FILE NOTICE CLARIFYING HIS INTENT
13	V.	(ECF No. 20)
14	FRAZIER,	FOURTEEN (14) DAY DEADLINE
15	Defendant.	FOURTEEN (14) DAT DEADLINE
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17	Plaintiff Mauricio Arana ("Plaintiff") is a state prisoner proceeding pro se and in forma	
18	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.	
19	On June 12, 2018, the Court directed Plaintiff to file a second amended complaint as a	
20	single document in this action. (ECF No. 16.) On July 10, 2018, the Court granted in part	
21	Plaintiff's motion for an extension of time. (ECF No. 18.)	
22	On August 24, 2018, Plaintiff's second amended complaint was mistakenly used to open a	
23	new action, Arana v. Frazier, et al., Case No. 1:18-cv-01147-BAM (PC). Realizing the error, the	
24	Court ordered the Clerk of the Court to close Case No. 1:18-cv-01147-BAM (PC). (Case No.	
25	1:18-cv-01147-BAM (PC), Doc. No. 4.) Plaintiff's second amended complaint was then	
26	correctly filed under the instant action. (ECF No. 19.)	
27	Currently before the Court is Plaintiff's Motion for Dismissal, filed September 17, 2018.	
28	(ECF No. 20.) Plaintiff states that he would like the Court to dismiss Case No. 1:18-cv-01147-	
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BAM (PC). (Id.) Although Plaintiff refers to Case No. 1:18-cv-01147-BAM (PC) in his motion, that action has already been closed, and therefore the document was filed in the instant case. Based on the motion, it is unclear to the Court whether Plaintiff intends to voluntarily dismiss this action, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), or whether Plaintiff is mistakenly trying to close Case No. 1:18-cv-01147-BAM (PC), which is already closed. The Court notes that the instant case alleges violations of Plaintiff's civil rights based on a June 5, 2017 incident involving the use of excessive force by Defendant Frazier and a July 27, 2017 due process violation by Defendant Hurlbut, Nouwels, and Hodges during his rule violation hearing. (ECF No. 19.) Accordingly, within **fourteen (14) days** from the date of service of this order, Plaintiff shall clarify, in writing, whether he intends to voluntarily dismiss this action, Case No. 1:17-cv-01702-DAD-BAM (PC), pursuant to Rule 41, or whether he is attempting to dismiss Case No. 1:18-cv-01147-BAM (PC), which is already closed. Plaintiff's failure to respond to the Court's order will result in dismissal of this action for failure to obey a court order and failure to prosecute. IT IS SO ORDERED. Dated: **September 19, 2018**