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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHELLE CONCEPCION,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

Case No.: 1:18-cv-01743-LJO-JLT (PC)

ORDER DISCHARGING ORDER TO SHOW  
CAUSE AND EXTENDING TIME FOR  
PLAINTIFF TO RESPOND TO FIRST  
SCREENING ORDER

(Docs. 9-13)

21-DAY DEADLINE

On April 2, 2019, the Court issued a screening order in which it granted Plaintiff leave to file a first amended complaint. (Doc. 9.) At Plaintiff's request, the Court granted an extension of time to respond to the screening order. (Doc. 10, 11.) Plaintiff failed to file an amended complaint or otherwise respond to the Court's order by the extended deadline. Thus, the Court issued an order to show cause why this action should not be dismissed for failure to comply with the Court's order and prosecute this action. (Doc. 12.)

Plaintiff filed a response to the OSC indicating that he believed an administrative appeal would be granted and that, when the administrative appeal was ultimately denied, he sought legal

1 advice on how to proceed.<sup>1</sup> (Doc. 13.) He states that he did not have sufficient time between the  
2 administrative-appeal denial and the screening-order deadline to receive the solicited advice.

3 Good cause appearing, the Court **ORDERS**:

4 1. The order to show cause that issued on August 21, 2019, (Doc. 12) is

5 **DISCHARGED**;

6 2. **Within 21 days** from the date of service of this order, Plaintiff shall file a first  
7 amended complaint curing the deficiencies identified by the Court in the April 2, 2019  
8 screening order or, in the alternative, file a notice of voluntary dismissal.

9 The Court notes that multiple months have passed since the issuance of its screening  
10 order. **If Plaintiff fails to comply with the present order, the Court will dismiss this action**  
11 **for failure to obey a court order and for failure to state a cognizable claim.**

12 IT IS SO ORDERED.

13 Dated: **October 9, 2019**

14 **/s/ Jennifer L. Thurston**  
15 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> In his response, Plaintiff states that he is transgender male and requested that the Court address him with male pronouns. The Court does so here.