

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 JOSE MURILLO-ESPARZA,

11 Plaintiff,

12 v.

13 BAR 20 DAIRY FARMS, LLC,

14 Defendant.  
15

Case No. 1:24-cv-01354-KES-SAB

ORDER TO SHOW CAUSE WHY ACTION  
SHOULD NOT BE DISMISSED

(ECF No. 8)

**FOURTEEN-DAY DEADLINE**

16 Plaintiff is proceeding *pro se* and *in forma pauperis* in this wrongful termination and  
17 discrimination action. On November 11, 2024, the Court screened Plaintiff's complaint and  
18 found that it failed to state a claim for which relief could be granted and gave Plaintiff 30 days to  
19 file an amended complaint. (ECF No. 4.) Plaintiff failed to timely file an amended complaint or  
20 otherwise respond to the Court's order. The Court then issued findings and recommendations,  
21 recommending the case be dismissed for Plaintiff's failure to state a claim, failure to prosecute,  
22 and failure to comply with a court order. (ECF No. 6.) Immediately thereafter, Plaintiff filed a  
23 motion for an extension of time to file an amended complaint. (ECF No. 7.) The Court accepted  
24 Plaintiff's motion as intent to continuing litigating this matter and vacated its findings and  
25 recommendations. (ECF No. 8.) In addition, the Court granted Plaintiff an additional 30-day  
26 extension to file a first amended complaint. (*Id.*) Plaintiff has again failed to file an amended  
27 complaint or otherwise respond to the Court's December 20, 2024 order.

28 Accordingly, Plaintiff shall be ordered to show cause in writing why the action should

1 not be dismissed for failure to state a cognizable claim for relief, failure to prosecute, and failure  
2 to comply with a court order.

3 It is HEREBY ORDERED that:

4 1. Within **fourteen (14) days** from the date of service of this order Plaintiff shall  
5 show cause why the action should not be dismissed; and

6 2. Failure to comply with this order will result in a recommendation to dismiss this  
7 action for failure to state a cognizable claim for relief, failure to prosecute, and failure to  
8 comply with a court order.

9  
10 IT IS SO ORDERED.

11 Dated: January 27, 2025



STANLEY A. BOONE  
United States Magistrate Judge

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28