

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MAC GARCIA-GARCIA,

No. 1:24-cv-01559 GSA (PC)

Plaintiff,

ORDER DIRECTING PLAINTIFF TO SHOW  
CAUSE WHY THIS MATTER SHOULD NOT  
BE DISMISSED FOR FAILURE TO OBEY  
COURT ORDER

V.

J. DOER, et al.,

(ECF No. 4)

## Defendants.

PLAINTIFF'S SHOWING OF CAUSE OR, IN THE ALTERNATIVE, EITHER FILE HIS SIX-MONTH PRISON TRUST FUND ACCOUNT STATEMENT OR HIS PAYMENT OF THE FILING FEE IN FULL, DUE IN TWENTY-ONE DAYS

Plaintiff, a federal inmate proceeding pro se, has filed this civil rights action seeking relief under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) (federal prisoner). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to obey a court order. In the alternative, Plaintiff will be given the opportunity either to file his six-month prison trust fund account statement that is required as part of a prisoner's application to proceed in forma pauperis, or in the alternative to pay the filing fee in full. See 28 U.S.C. §§ 1914(a), 1915(a)(2). Plaintiff will be given twenty-one days to take

1 either course of action.

2       I.    RELEVANT FACTS

3       On December 18, 2024, Plaintiff's complaint and his application to proceed in forma  
4 pauperis were docketed. ECF Nos. 1, 2. Because Plaintiff had filed an application to proceed in  
5 forma pauperis, two days later, consistent with 28 U.S.C. § 1915(a)(2), Plaintiff was ordered to  
6 file his six-month prison trust fund account statement with the Court, and he was given thirty days  
7 to do so. See ECF No. 4 at 1.

8       More than thirty days have passed and Plaintiff has not filed his six-month prison trust  
9 fund account statement, nor has he filed a request for an extension of time to do so. He has not  
10 responded to the Court in any way.

11      II.    DISCUSSION

12       Both the Court and the public have an interest in the disposal of cases in an expedient  
13 manner. See generally Hernandez v. City of El Monte, 138 F.3d 393, 399 (9th Cir. 1998)  
14 (presuming public has interest in expeditious litigation). Plaintiff's failure to file a six-month  
15 prison trust fund account statement as required by law (see 28 U.S.C. § 1915(a)(2)) has stalled  
16 this process, and it warrants the Court issuing an order directing him to show cause why this  
17 matter should not be dismissed for failure to obey court orders. As a result, an order to show  
18 cause shall issue.

19       Plaintiff will be given twenty-one days to file the showing of cause. As an alternative to  
20 filing it, within the same twenty-one-day period, Plaintiff may instead either submit the six-month  
21 prison trust fund account statement or pay the filing fee in full. See 28 U.S.C. § 1914(a)  
22 (payment of filing fee requirement).

23       Accordingly, IT IS HEREBY ORDERED that:

24       1. Plaintiff is ordered to SHOW CAUSE why this matter should not be dismissed for  
25 failure to obey a court order;

26       2. As an ALTERNATIVE to filing a showing of cause, Plaintiff may either file a copy of  
27 his six-month prison trust fund account statement consistent with 28 U.S.C. § 1915(a)(2), or pay  
28 the filing fee in full. See 28 U.S.C. § 1914(a), and

3. Plaintiff shall have twenty-one days to take either course of action.

IT IS SO ORDERED.

Dated: March 11, 2025

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE