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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RONALD FOSTER,

No. CIV S-10-0726-CMK-P

Plaintiff,

vs.

ORDER

A. LYNN, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983, challenging a prison disciplinary proceeding. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action. The court issued an order to show cause on April 22, 2011, requiring plaintiff to show cause why defendants Statti, Martinez, Carrasco, and the Secretary of CDCR should not be dismissed for failure to state a claim.

The court outlined plaintiff's allegations in its prior order and will not repeat them here. The court found plaintiff's amended complaint was insufficient as to his claims against defendants Statti, Martinez, Carrasco, and the Secretary of CDCR. Plaintiff was warned that failure to respond to the order to show cause may result in the dismissal of this action for the

1 reasons outlined as well as for failure to prosecute and comply with court rules and orders. See
2 Local Rule 110.

3 Plaintiff has not responded to the court's order as directed. The undersigned finds
4 it appropriate to dismiss these defendants from this action for plaintiff's failure to comply to
5 court order, and failure to state a claim upon which relief can be granted.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Defendants Statti, Martinez, Carrasco, and the Secretary of CDCR, are
8 dismissed from this action; and

9 2. This action will proceed against defendants Lynn and Dailo only.

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12 DATED: June 6, 2011

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14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
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