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

DONALD WILLIAMS,

No. CIV S-10-3406-CMK-P

Plaintiff,

vs.

ORDER

ALLEN SOBEL, 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 September 2, 2011, requiring plaintiff to show cause why this action 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 he stated no cognizable theory of liability. The court determined that his request for enforcement of a settlement agreement is not properly the subject of a new action, but rather should be addressed in the

1 original action. Plaintiff was warned that failure to respond to the order to show cause may result
2 in the dismissal of this action for the reasons outlined as well as for failure to prosecute and
3 comply with court rules and orders. See Local Rule 110.

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

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. This action is dismissed; and
- 9 2. The Clerk of the Court is directed to enter judgment and close this case.

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11 DATED: November 14, 2011

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