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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LEON E. MORRIS,

12 Plaintiff,

13 v.

14 NANGALAMA, et al.,

15 Defendants.
16

No. 2:12-cv-1202 MCE KJN P

ORDER TO SHOW CAUSE

17 Plaintiff is a state prisoner, proceeding pro se. On January 5, 2017, this action was stayed
18 pending plaintiff's release from the Department of State Hospitals ("DSH") and the return of his
19 legal materials. By order filed June 9, 2017, plaintiff was directed to file, within thirty days, a
20 status report addressing whether he has been released from DSH custody, and whether his legal
21 materials have been returned to him. The order was served on plaintiff at his address of record at
22 Salinas Valley State Prison in Soledad, as well as California State Prison in Los Angeles County
23 ("CSP-LAC"). No copy of the order was returned as undeliverable by the postal service. Thirty
24 days have now passed, and plaintiff has not filed the status report or otherwise responded to the
25 court's order.

26 This action was filed on May 3, 2012. Defendants have twice filed motions for summary
27 judgment that have been postponed due to plaintiff's housing and mental health issues. On
28 October 18, 2016, plaintiff was warned of his obligation to comply with the court's Local Rules

1 and orders. (ECF No. 98.) Specifically, Rule 41(b) of the Federal Rules of Civil Procedure
2 provides:

3 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute or
4 to comply with these rules or a court order, a defendant may move
5 to dismiss the action or any claim against it. Unless the dismissal
6 order states otherwise, a dismissal under this subdivision (b) and
any dismissal not under this rule--except one for lack of
jurisdiction, improper venue, or failure to join a party under Rule
19--operates as an adjudication on the merits.

7 Id.

8 On January 5, 2017, this action was temporarily stayed pending plaintiff's release from
9 DSH custody and the return of his legal materials. However, by at least June 9, 2017, plaintiff
10 was housed at CSP-LAC. (ECF No. 104.) The California Department of Corrections and
11 Rehabilitation ("CDCR") inmate locator reflects that plaintiff remains housed at CSP-LAC. The
12 CDCR website does not reflect that DSH inmates are housed at CSP-LAC.

13 Therefore, within seven days from the date of this order, defendants shall notify the court
14 whether plaintiff has been transferred from DSH custody, and the date plaintiff was transferred to
15 CSP-LAC. Within fourteen days from the date of this order, plaintiff shall show cause why this
16 action should not be dismissed based on his failure to respond to the June 9, 2017 order, as well
17 as his failure to prosecute this action. Plaintiff's failure to show cause will be deemed as consent
18 to have the: (a) action dismissed for lack of prosecution; and (b) action dismissed based on
19 plaintiff's failure to comply with a court order. Such failure shall result in a recommendation that
20 this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

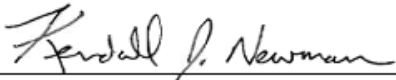
21 Accordingly, IT IS HEREBY ORDERED that:

22 1. Within seven days from the date of this order, defendants shall notify the court whether
23 plaintiff has been transferred from DSH custody, and when plaintiff was transferred to CSP-LAC;
24 and

25 2. Within fourteen days from the date of this order, plaintiff shall show cause why this
26 action should not be dismissed based on his failure to comply with the June 9, 2017 order, and his
27 failure to diligently prosecute this action. Failure to show cause will be deemed as consent to
28 have the: (a) action dismissed for lack of prosecution; and (b) action dismissed based on

1 plaintiff's failure to comply with a court order. Said failure shall result in a recommendation that
2 this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

3 Dated: July 25, 2017

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5 KENDALL J. NEWMAN
6 UNITED STATES MAGISTRATE JUDGE

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