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

LEON E. MORRIS,

No. 2:12-cv-1774-TLN-CMK

Plaintiff,

vs.

ORDER

V. MINI, et al.

Defendants.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for a stay of this case (Doc. 30). In his motion, plaintiff states that he has been temporarily transferred to Salinas Valley Psychiatric Program, and into the custody of the Department of State Hospitals (DSH), to work on stabilizing his mental illness. He requests a stay of these proceedings until he is transferred back into the custody of the California Department of Corrections and Rehabilitation (CDCR).

A review of the court’s docket indicates that plaintiff is no longer at Salinas Valley Psychiatric Program, and has been transferred to California State Prison, Los Angeles County (LAC). Further review of court records<sup>1</sup> show that plaintiff has another case pending in this District, Morris v. Nangalama, et al., 2:12-cv-1202-MCE-KJN. In that case, the court has

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<sup>1</sup> Thus, this court may take judicial notice of its own records, see Chandler v. U.S., 378 F.2d 906, 909 (9th Cir. 1967).

1 verified that plaintiff has been transferred out of DSH custody, and back into CDCR custody. As  
2 plaintiff is no longer in DSH custody, the reasons provided for the entry of a stay of these  
3 proceedings are no longer valid. Plaintiff's request will therefor be denied.

4 Further review of the docket in this action shows that defendants' motion to  
5 dismiss was granted. Plaintiff was granted leave to file an amended complaint, which has not  
6 been received. Given plaintiff's mental health issues, the court will provide plaintiff additional  
7 time in which to file his amended complaint. If, however, plaintiff is unable or unwilling to  
8 proceed in this action, plaintiff shall so notify the court if he wishes to voluntarily dismiss this  
9 case. Otherwise, plaintiff shall file an amended complaint within 30 days of the date of this  
10 order. Plaintiff is cautioned that failure to file an amended complaint within time provided in  
11 this order may be grounds for dismissal of this action. See Ferdik v. Bonzelet, 963 F.2d 1258,  
12 1260-61, 1262 (9th Cir. 1992); see also Local Rule 110. Plaintiff is also cautioned that a  
13 complaint which fails to comply with Rule 8 may, in the court's discretion, be dismissed with  
14 prejudice pursuant to Rule 41(b). See Nevijel v. North Coast Life Ins. Co., 651 F.2d 671, 673  
15 (9th Cir. 1981).

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's motion for a stay of these proceedings (Doc. 30) is denied;
- 18 2. The Clerk of the Court is directed to send plaintiff a copy of the  
19 undersigned's findings and recommendations granting the defendants' motion to dismiss (Doc.  
20 26), and the District Court's order adopting those findings and recommendation (Doc. 29); and  
21 3. Within 30 days of the date of this order, plaintiff shall file an amended  
22 complaint or inform the court if he wishes to voluntarily dismiss this case.

23 DATED: September 18, 2017

24   
25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE