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

RONALD SIMMONS,
Plaintiff,

No. 2:13-CV-0588-CMK-P

vs.

ORDER

SUPERIOR COURT SACRAMENTO
COUNTY, et al.,
Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. 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.

On July 29, 2013, the court directed plaintiff to show cause in writing why this action should not be dismissed for failure to state a claim. The court stated:

In this § 1983 civil rights case, plaintiff claims: “Sacramento County Jail as been hold in jail with no evidences at all.” From this is appears that plaintiff is challenging the fact of his pre-trial detention. Remedies lie under § 1983 only where the prisoner challenges the conditions of his confinement. See Rizzo v. Dawson, 778 F.2d 527, 531-32 (9th Cir. 1985). Because such does not to appear to be the case here, it also appears that plaintiff cannot state a claim for relief under §

1 1983.

2 Because it does not appear possible that the deficiencies
3 identified herein can be cured by amending the complaint, plaintiff is not
4 entitled to leave to amend prior to dismissal of the entire action. See
5 Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc).
6 Plaintiff shall show cause in writing, within 30 days of the date of this
7 order, why this action should not be dismissed for failure to state a claim.
8 Plaintiff is warned that failure to respond to this order may result in
9 dismissal of the action for the reasons outlined above, as well as for failure
10 to prosecute and comply with court rules and orders. See Local Rule 110.

11 More than 30 days have elapsed and plaintiff has not responded to the court order to show cause.
12 Therefore, both for the reasons stated in the order to show cause and for lack of prosecution and
13 failure to follow court orders, this action will be dismissed.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. This action is dismissed for failure to state a claim and for lack of
16 prosecution and failure to comply with court rules and orders; and
- 17 2. The Clerk of the Court is directed to enter judgment and close this file.

18 DATED: December 13, 2013

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27 **CRAIG M. KELLISON**
28 UNITED STATES MAGISTRATE JUDGE