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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL CHEN,  
Plaintiff,  
v.  
CORRECTIONS CORPORATION OF  
AMERICA, et al.,  
Defendants.

No. 2:14-cv-2244 AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed September 12, 2016, the court granted plaintiff's request for leave to proceed in forma pauperis, and accorded plaintiff the option of proceeding on his original complaint or on a proposed First Amended Complaint (FAC). See ECF No. 9. On September 23, 2016, the court received plaintiff's one-page "Notice of Election," which indicates plaintiff's choice to proceed on a proposed FAC. See ECF No. 11. However, plaintiff did not submit a proposed FAC, which was to be filed together with the election form. Two additional weeks have passed and plaintiff has not submitted a proposed FAC.

Plaintiff will be accorded additional time to submit a proposed FAC or to inform the court that he intends to proceed on the claims in his original complaint as previously construed by the court. Failure to timely respond to this order will result in the dismissal of this action without prejudice. However, plaintiff is informed that claims arising under 42 U.S.C. § 1983 filed by


1 California prisoners are generally subject to an effective four-year statute of limitations  
2 commencing with the date of injury. See Azer v. Connell, 306 F.3d 930, 935-36 (9th Cir. 2002);  
3 Johnson v. State of California, 207 F.3d 650, 654 (9th Cir. 2000); TwoRivers v. Lewis, 174 F.3d  
4 987, 991 (9th Cir. 1999). Therefore, failure to pursue the instant case challenging plaintiff's  
5 October 2010 injury may effectively foreclose the option of pursuing these matters in a newly-  
6 filed case.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Within 21 days after the filing date of this order, plaintiff shall submit a proposed First  
9 Amended Complaint OR inform the court that he intends to proceed on his original complaint.

10 2. Failure to timely comply with this order will result in the dismissal of this action  
11 without prejudice.

12 DATED: October 7, 2016

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14 ALLISON CLAIRE  
15 UNITED STATES MAGISTRATE JUDGE  
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