1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	VICTORIA L. REYES,	No. 2:15-cv-0556-GEB-KJN PS
12	Plaintiff,	
13	V.	ORDER AND
14	RADCLIFF,	ORDER TO SHOW CAUSE
15		
16	Defendant.	
17		
18	On March 24, 2015, the court dismissed plaintiff's original complaint with leave to	
19	amend. (ECF No. 3.) In that order, the court granted plaintiff 28 days to either (a) file a first	
20	amended complaint or (b) file a notice of voluntary dismissal of the action without prejudice.	
21	( <u>Id.</u> ) Plaintiff was specifically cautioned that failure to file either a first amended complaint or a	
22	notice of voluntary dismissal by the required deadline may result in the imposition of sanctions,	
23	including potential dismissal of the action with prejudice pursuant to Federal Rule of Civil	
24	Procedure 41(b). (Id.) Although the applicable deadline has now passed, the court's records	
25	indicate that plaintiff failed to file either a first amended complaint or a notice of voluntary	
26	dismissal. Furthermore, plaintiff has not requested an extension of time to comply with the	
27	court's order.	

////

1	
2	N
3	m
4	m
5	p]
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22.	

The court has carefully considered whether the action should be dismissed at this juncture. Nevertheless, in light of plaintiff's *pro se* status and the court's desire to resolve the action on the merits, the court first attempts lesser sanctions in the form of an order to show cause and monetary sanctions, as outlined below. Because the court is fully cognizant of the fact that plaintiff is proceeding *in forma pauperis*, the amount of monetary sanctions imposed is minimal.

## Accordingly, IT IS HEREBY ORDERED that:

- Within 28 days of this order, plaintiff shall pay to the Clerk of Court \$100.00 in monetary sanctions based on plaintiff's failure to comply with the court's order and failure to prosecute her case.
- 2. Within 28 days of this order, plaintiff shall show cause in writing why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for plaintiff's failure to comply with the court's order and failure to prosecute her case.
- 3. Within 28 days of this order, plaintiff shall file a first amended complaint that complies with the court's March 24, 2015 order.
- 4. Failure to timely comply with this order will result in a recommendation that the action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).
- 5. Alternatively, if plaintiff concludes that she no longer wishes to pursue the action at this time, she may instead file a notice of voluntary dismissal of the action without prejudice in lieu of paying the sanctions, responding to the order to show cause, and filing a first amended complaint, as outlined above.
- 6. The Clerk of Court shall serve another copy of the court's prior March 24, 2015 order on plaintiff along with this order.

UNITED STATES MAGISTRATE JUDGE

IT IS SO ORDERED.

Dated: April 24, 2015

25

23

24

26

27

28