UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NEAL O'NEILL,

Plaintiff,

v.

EL DORADO COUNTY SHERIFFS, et al.,

Defendants.

No. 2:16-cv-0069-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

On March 23, 2017, the court determined that plaintiff's complaint stated a potentially cognizable First Amendment access to the courts claim against defendant Isaccson. ECF No. 7. That order also dismissed all other claims with leave to amend. Plaintiff was directed to return the documents necessary to effect service of process on defendant Isaccson or to file an amended complaint attempting to cure the defects listed therein within thirty days. *Id.* That order warned plaintiff that failure to comply with the order could result in dismissal of this case. The time for acting passed and plaintiff failed to return the documents necessary to effect service of process on

defendant, failed to file an amended complaint, and did not otherwise respond to the court's order. Accordingly, the court dismissed this action without prejudice. ECF No. 10.

On the same day as the dismissal, the Clerk docketed a timely request from plaintiff for an extension of time. ECF No. 12. Accordingly, on June 6, 2017, the court vacated the order of dismissal and directed the Clerk to reopen the case. ECF No. 14. The court also granted plaintiff another 60 days within which to file an amended complaint or return the documents necessary to effect service of process on defendant Isaacson. The court warned plaintiff that failure to so comply could result in another order of dismissal. Once again, the time for acting has passed and plaintiff has failed to comply with or otherwise respond to the court's order.

Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice. Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

Dated: August 29, 2017.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE