

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SKYLER TRUJILLO,
Plaintiff,
v.
NOFSINGER,
Defendants.

No. 2:16-cv-1456 DB P

ORDER TO SHOW CAUSE

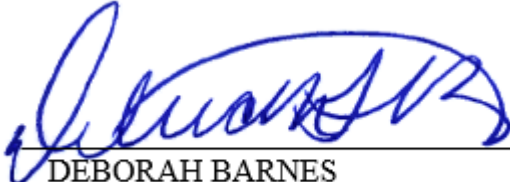
Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges defendants violated his rights under the Eighth Amendment by assaulting him, failing to provide him proper medical treatment for his injuries, and denying him due process.

By order dated September 25, 2018, the court screened plaintiff’s complaint and found he stated a cognizable excessive force claim, but that his other allegations failed to state a claim. (ECF No. 10.) Plaintiff was ordered to respond to notify the court regarding whether he wished to proceed with the complaint as screened or to amend the complaint. Plaintiff was given fourteen days to file a response and warned that failure to respond to the court’s order would result in a recommendation that this action be dismissed. Those fourteen days have passed and plaintiff has not notified the court regarding how he would like to proceed, filed an amended complaint, or otherwise responded to the court’s order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that within fourteen days of the date of this order plaintiff shall complete and return the attached form notifying the court whether he wants to proceed on the screened complaint or file an amended complaint. If he fails to do so the court will recommend that this action be dismissed for plaintiff's failure to comply with court orders and failure to prosecute. See E.D. Cal. R. 110; Cal. R. 183(b); Fed. R. Civ. P. 41.

Dated: October 25, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:12
DB/prisoner-civil rights/truj1456.osc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SKYLER TRUJILLO,

Plaintiff,

v.

NOFSINGER,

Defendants.

No. 2:16-cv-1456 DB P

PLAINTIFF’S NOTICE ON HOW TO
PROCEED

Check one:

Plaintiff wants to proceed immediately on his Eighth Amendment claims against defendant Nofsinger without amending the complaint. Plaintiff understands that by going forward without amending the complaint he is voluntarily dismissing his claims against defendants John Doe 1 – 10 without prejudice.

Plaintiff wants to amend the complaint.

DATED: _____

Skyler Trujillo
Plaintiff pro se