


1 The court has considered whether the action should be dismissed at this juncture.
2 Nevertheless, in light of plaintiff's *pro se* status, and the court's desire to resolve the action on the
3 merits, the court first attempts lesser sanctions by issuing an order to show cause and imposing
4 monetary sanctions. Given that plaintiff is proceeding *in forma pauperis*, the amount of monetary
5 sanctions imposed is necessarily minimal.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Within 21 days of this order, plaintiff shall pay the Clerk of Court \$100.00 in
8 monetary sanctions for failure to comply with the court's order.
- 9 2. Within 21 days of this order, plaintiff shall show cause in writing why this action
10 should not be dismissed with prejudice pursuant to Federal Rule of Civil Procedure
11 41(b) based on plaintiff's failure to comply with the court's order and failure to
12 prosecute the case.
- 13 3. Within 21 days of this order, plaintiff shall file a first amended complaint in
14 compliance with the court's October 12, 2016 order.
- 15 4. Alternatively, and in lieu of paying the monetary sanctions, responding to the order to
16 show cause, and filing a first amended complaint, plaintiff may instead file a notice of
17 voluntary dismissal of the action without prejudice within 21 days of this order.
- 18 5. Failure to comply with all terms of this order will result in dismissal of the action with
19 prejudice pursuant to Federal Rule of Civil Procedure 41(b).

20 IT IS SO ORDERED.

21 Dated: November 22, 2016

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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