

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 orders.
- 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 orders 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 March 16, 2017 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 timely comply with all terms of this order will result in dismissal of the
19 action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

20 ///

21 ///

22 ///

23 ///

24 ///

25 _____
26 the court's order at the address on record was effective absent the filing of a notice of change of
27 address. In relevant part, Local Rule 182(f) provides: "Each appearing attorney and pro se party
28 is under a continuing duty to notify the Clerk and all other parties of any change of address or
telephone number of the attorney or the pro se party. Absent such notice, service of documents at
the prior address of the attorney or pro se party shall be fully effective."

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

6. The Clerk of Court shall serve a copy of the court's March 16, 2017 order on plaintiff along with this order.

IT IS SO ORDERED.

Dated: April 20, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE