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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN J. FUERY,

Plaintiff,

v.

MARK CHERRY, et al.,

Defendants.

No. 2:18-cv-00982-KJM-CKD

ORDER

Plaintiff filed a complaint on November 27, 2018, alleging civil rights violations as well as violations of the Americans with Disability Act. ECF No. 1. On August 24, 2018, the court held a hearing on several defendants' motions to dismiss, and plaintiff failed to appear. ECF No. 21. The day before the hearing, plaintiff filed a request for accommodation and motion for extension of time to file an amended complaint, explaining that he requires additional time due to serious health problems. ECF No. 22. The court granted the motions to dismiss and directed plaintiff to file an amended complaint. ECF No. 23. The court also granted plaintiff a 45-day extension to file the amended complaint. ECF No. 27. Plaintiff subsequently requested three more extensions of time to file an amended complaint, which the court granted. ECF Nos 25, 27, 28, 29, 30, 31. After plaintiff missed the extended deadline to file an amended complaint, the court issued an order to show cause why the case should not be dismissed for failure to

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1 prosecute, ECF No. 32, and plaintiff responded, again requesting accommodations and a
2 continuance, due to his ongoing health and cognitive issues. *See* ECF Nos. 33, 35.

3 On April 26, 2019, the court granted plaintiff thirty days to file a motion to stay
4 the case, including documentation to substantiate his representations regarding his health. ECF
5 No. 36. “If no such motion is filed with thirty (30) days,” the court explained, “the court is
6 prepared to dismiss this case without prejudice for lack of prosecution.” *Id.*

7 To date, plaintiff has not filed an amended complaint nor a motion to stay the case,
8 with supporting documentation or otherwise. IT IS THEREFORE ORDERED that plaintiff show
9 cause within fourteen days of the date of this order why this case should not be dismissed for his
10 failure to prosecute. Fed. R. Civ. P. 41(b).

11 DATED: August 19, 2019.

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14 UNITED STATES DISTRICT JUDGE
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