Doc. 33 (PC) Turner v. Singh 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:23-cv-0954 DC SCR P LAFONZO R. TURNER, 12 Plaintiff. 13 v. **ORDER** 14 SINGH, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. 18 §1983. In an order filed October 4, 2024, this court found plaintiff stated cognizable claims for 19 retaliation against defendants Singh and Willis and for violation of the Americans with 20 Disabilities Act ("ADA") against all defendants. (ECF No. 30.) This court further found plaintiff 21 stated no other cognizable claims for relief. Plaintiff was given the option of proceeding 22 immediately on his retaliation and ADA claims, and dismissing his other claims, or filing a second amended complaint. The court provided plaintiff with a form to be returned within 23 24 twenty-one days to notify the court of his choice. Twenty-one days have passed and plaintiff has not filed the form notifying the court how 25 26 he wishes to proceed. Nor has plaintiff otherwise responded to the October 4 order. In the 27 October 4 order, this court warned plaintiff that if he failed to comply with the order, this court 28 may recommend this case be dismissed.

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Plaintiff will be given one more opportunity to file the form notifying the court how he wishes to proceed in this case. If plaintiff fails to file a timely notice, this court will recommend this case be dismissed for plaintiff's failure to prosecute and failure to comply with court orders.

See Fed. R. Civ. P. 41; E.D. Cal. R. 110.

Accordingly, IT IS HEREBY ORDERED that within **fourteen** (**14**) **days** of the date of this order, plaintiff shall file the form notifying the court whether he wishes to proceed now on his retaliation and ADA claims or whether he wishes to file a second amended complaint.

Dated: November 22, 2024

SEAN C. RIORDAN

UNITED STATES MAGISTRATE JUDGE