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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARON DREVON DAVIS,  
Plaintiff,  
v.  
MICHAEL A. JACQUES, *et al.*,  
Defendants.

Case No. 2:23-cv-01230-DAD-JDP (PS)

**ORDER**  
DENYING PLAINTIFF’S MOTION TO  
SERVE THE COMPLAINT AND SUMMONS  
AND DIRECTING PLAINTIFF TO FILE A  
RESPONSE TO THIS ORDER TO SHOW  
CAUSE AND AN AMENDED COMPLAINT

ECF No. 6  
RESPONSE DUE WITHIN FOURTEEN  
DAYS

On October 24, 2023, I screened plaintiff’s complaint and notified him that it failed to state a claim. ECF No. 8. I granted him thirty days either to file an amended complaint or notify the court that he wishes to stand by his complaint, subject to a recommendation that it be dismissed. To date, plaintiff has not filed an amended complaint.<sup>1</sup> Plaintiff is directed to file, within fourteen days, an amended complaint, and a response to the court’s order to show cause.

To manage its docket effectively, the court imposes deadlines on litigants and requires

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<sup>1</sup> The day before I issued my order screening plaintiff’s complaint, he filed a motion to serve the complaint and summons on defendants. ECF No. 9. As the complaint does not state a claim, I will deny this motion at premature.

1 litigants to meet those deadlines. The court may impose sanctions, including dismissing a case,  
2 for failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110;  
3 *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v.*  
4 *King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a  
5 district court has a duty to administer justice expeditiously and avoid needless burden for the  
6 parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

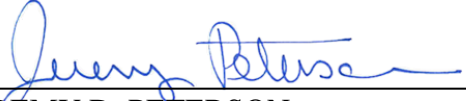
7 The court will give plaintiff an opportunity to explain why this case should not be  
8 dismissed for failure to file an amended complaint. Plaintiff's failure to respond to this order will  
9 constitute a failure to comply with a court order and will result in a recommendation that this  
10 action be dismissed. Accordingly, plaintiff is ordered to show cause within fourteen days why  
11 this case should not be dismissed for failure to prosecute and failure to comply with court orders.  
12 Should plaintiff wish to continue with this lawsuit, he shall file, within fourteen days, an amended  
13 complaint.

14 Accordingly, it is hereby ORDERED that:

- 15 1. Plaintiff's motion to serve the complaint and summons, ECF No. 9, is denied.
- 16 2. Plaintiff shall file, within fourteen days, both an amended complaint and a response to  
17 the court's order to show cause.
- 18 3. Failure to comply with this order will result in a recommendation that this action be  
19 dismissed.

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21 IT IS SO ORDERED.

22 Dated: February 5, 2024

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24 JEREMY D. PETERSON  
25 UNITED STATES MAGISTRATE JUDGE  
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