

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Fordyce v. Shirley

Fordyce · No. 1:25-cv-00106 GSA (PC) · Decided March 10, 2025

SUMMARY

The United States District Court for the Eastern District of California directs Plaintiff Joshua Fordyce to show cause why the § 1983 action should not be dismissed for failure to prosecute and failure to obey a court order. The court alternatively permits Plaintiff to file a first amended complaint within thirty days.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JOSHUA FORDYCE, A.K.A. BRITTANY No. 1:25-cv-00106 GSA (PC)
FORDYCE, 12 ORDER DIRECTING PLAINTIFF TO SHOW Plaintiff, CAUSE WHY THIS
MATTER SHOULD NOT 13 BE DISMISSED FOR FAILURE TO OBEY A v. COURT ORDER
14 HEATHER SHIRLEY, et al., (ECF No. 10) 15 Defendants. PLAINTIFF’S SHOWING OF
CAUSE OR, IN 16 THE ALTERNATIVE, HER FIRST AMENDED COMPLAINT DUE IN
THIRTY 17 DAYS 18 19 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has
filed this civil 20 rights action seeking relief under 42 U.S.C. § 1983.

The matter was referred to a United States 21 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 22 For the reasons stated below, Plaintiff will be ordered to show cause
why this matter 23 should not be dismissed for failure to obey a court order.

As an alternative to filing the showing 24 of cause, Plaintiff may file an amended complaint.
Plaintiff will be given thirty days to take 25 either course of action. 26 I. RELEVANT FACTS 27
On January 29, 2025, Plaintiff’s complaint was screened. See generally ECF No. 10.

The 28 screening order found that the complaint failed to state a claim upon which relief could be
1 granted. Id. at 7. As a result, Plaintiff was given thirty days to file an amended complaint. Id. 2
The thirty-day period Plaintiff had to file an amended complaint has passed and Plaintiff 3 has not
filed an amended complaint, nor has Plaintiff requested an extension of time to do so.

4 Instead, since the issuance of the Court’s order, Plaintiff has filed three motions for the 5
appointment of counsel. See ECF Nos. 12, 14, 16. Each of those motions have been denied. See 6
ECF Nos. 13, 15, 17. 7 II. DISCUSSION 8 Both the Court and the public have an interest in the

disposal of cases in an expedient manner. See generally *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir.

1998) 10 (presuming public has interest in expeditious litigation). Plaintiff's failure to file an amended 11 complaint as ordered has stalled this process, and it warrants the Court issuing an order directing 12 Plaintiff to show cause why this matter should not be dismissed for failure to prosecute and for 13 failure to obey a court order. Plaintiff will be given thirty days to do so.

As an alternative to 14 Plaintiff filing a showing of cause, within the same thirty-day period, Plaintiff may instead file the 15 first amended complaint as she was previously ordered to do. 16 Accordingly, IT IS HEREBY ORDERED that: 17 1. Plaintiff is ordered to SHOW CAUSE why this matter should not be DISMISSED for 18 failure to prosecute and for failure to obey a court order; 19 2.

As an alternative to filing a showing of cause, Plaintiff may file a first amended 20 complaint, and 21 3. Plaintiff shall have thirty days to take either course of action. 22 Plaintiff is cautioned that failure to comply with this order within the time allotted 23 may result in a recommendation that this matter be dismissed. 24 IT IS SO ORDERED. 25 26 Dated: March 9, 2025 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE 27 28