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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

TIMOTHY PEOPLES,

Plaintiff,

v.

J. DAVIS, et al.,

Defendants.

No. CV 06-7366-JVS (AGR)

**ORDER TO SHOW CAUSE WHY THIS  
ACTION SHOULD NOT BE DISMISSED**

On August 29, 2008, the District Judge filed an Order Adopting Magistrate Judge’s Report and Recommendation, which granted Plaintiff “leave to file a Second Amended Complaint which (a) contains only a Fourteenth Amendment claim against Defendant McAllister, Davis and Guilin for mishandling of Plaintiff’s property; and (b) remedies the deficiencies set forth in the report and Recommendation at pages 9-10.” The Order further provided that the “Second Amended Complaint must be filed and served within thirty days of the date of this Order,” which would have been September 29, 2008. (Dkt. No. 175.)

To date, Plaintiff has not filed a Second Amended Complaint. Plaintiff is ordered to show cause why this case should not be dismissed no later than December 1, 2008. Filing of the Second Amended Complaint on or before December 1, 2008, shall be deemed compliance with this Order to Show Cause.

1 Plaintiff is admonished that, if he fails to timely file a Second Amended Complaint on  
2 or before December 1, 2008, this action will be dismissed.

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5 DATED: November 3, 2008

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ALICIA G. ROSENBERG  
7 UNITED STATES MAGISTRATE JUDGE  
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