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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 TIMOTHY PEOPLES,

12 Plaintiff,

13 v.

14 J. DAVIS, et al.,

15 Defendants.
16

No. CV 06-7366-JVS (AGR)

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

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

24 To date, Plaintiff has not filed a Second Amended Complaint. Plaintiff is ordered to
25 show cause why this case should not be dismissed no later than December 5, 2008. Filing
26 of the Second Amended Complaint on or before December 5, 2008, shall be deemed
27 compliance with this Order to Show Cause.
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1 Plaintiff is admonished that, if he fails to timely file a Second Amended Complaint on
2 or before December 5, 2008, this action will be dismissed.

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5 DATED: November 7, 2008


ALICIA G. ROSENBERG
UNITED STATES MAGISTRATE JUDGE