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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ADAM JAWIEN, et al.,	)	Case No. CV 10-9501-GHK (DTB)
	)	
Plaintiffs,	)	ORDER TO SHOW CAUSE
	)	
vs.	)	
	)	
COUNTY OF SAN	)	
BERNARDINO, et al.,	)	
	)	
Defendants.	)	

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On June 26, 2012, the Magistrate Judge issued its Report and Recommendation (“R&R”) and on August 24, 2012, issued its Amended Report and Recommendation (“Amended R&R”) in this matter. Plaintiff’s Objections to the R&R were due on or before July 10, 2012. No Objections were filed within the allotted time and, on August 26, 2012, the District Judge accepted the findings, conclusions and recommendations of the Magistrate Judge granting without leave to amend, defendants’ Motion to Dismiss Merck’s alienation claim in the First Cause of Action; granting with leave to amend, defendants’ Motion to Dismiss Merck’s Monell claim in the Third Cause of Action and Merck’s negligence claim in the Sixth Cause of Action; denying defendants’ Motion to Dismiss Merck’s § 1983 claims for unreasonable search and seizure in the First Cause of Action; Merck’s Bane Act claim in the Fourth Cause of Action; and Merck’s Intentional Infliction of Emotional

1 Distress Claim in the Fifth Cause of Action; and denying defendants' Motion to  
2 Strike. The Order expressly stated that if plaintiffs still desired to proceed with this  
3 action, they were required to file a Second Amended Complaint on or before  
4 September 25, 2012. Plaintiffs have failed to file a Second Amended Complaint  
5 within the allotted time nor have they requested an extension of time within which to  
6 do so.

7 Accordingly, on or before **October 19, 2012**, plaintiffs are ORDERED to either  
8 (a) advise the Court that they do not desire to pursue this action; (b) if plaintiffs do  
9 desire to pursue this action, show good cause in writing, if any exists, why plaintiffs  
10 have not timely filed with the Court a Second Amended Complaint, and why the  
11 Court should not recommend that this action be dismissed, with prejudice, for failure  
12 to prosecute and failure to comply with the Court's prior Order; or (c) serve and file  
13 a Second Amended Complaint. Plaintiffs are forewarned that, if they fail to do either,  
14 the Court may deem such failure a further violation of a Court order justifying  
15 dismissal, and also deem such failure as further evidence of a lack of prosecution on  
16 plaintiffs' part.

17  
18 DATED: October 3, 2012



21  
22 DAVID T. BRISTOW  
UNITED STATES MAGISTRATE JUDGE