

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-2794-JFW (SP) Date August 5, 2013

Title NICHOLAS C. PAPPAS v. SERGEANT ROJAS

Present: The Honorable Sheri Pym, United States Magistrate Judge

Kimberly I. Carter

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Complaint Should Not Be Dismissed for Failure to Prosecute

On May 23, 2013, plaintiff Nicholas C. Pappas, a California prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On May 28, 2013, the court issued an Initial Civil Rights Case Order, advising plaintiff that the court was screening the complaint and that further directions would follow. In paragraph 8 of that same Order, the court also instructed plaintiff that "plaintiff must immediately notify the court (and defendants or defendants' attorneys) of any change in plaintiff's address and the effective date. If plaintiff fails to keep the court informed of a correct mailing address, this case may be dismissed under Local Rule 41-6, which states as follows:

If mail directed by the Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of his current address, the Court may dismiss the action with or without prejudice for want of prosecution."

On June 24, 2013, this court, having completed screening of the complaint, dismissed it with leave to file a First Amended Complaint by July 24, 2013. The court issued the Order Dismissing Complaint with Leave to Amend, and mailed that Order to plaintiff at his address of record, his place of incarceration at the Men's Central Jail in Los Angeles, California. Almost two weeks have passed beyond the July 24, 2013 deadline to file a First Amended Complaint, and the court has not received a First Amended Complaint or any other communication from plaintiff. Instead, the mailing to plaintiff with the Order Dismissing Complaint with Leave to Amend was returned to the court as undeliverable on July 29, 2013, with an indication that plaintiff has been released from custody.

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It therefore appears that plaintiff has failed to follow the court's Order to immediately notify the court of a change of address. Plaintiff has also failed to file a First Amended Complaint within the time allowed for him to do so. Plaintiff's failure to comply with the court's orders, and failure to comply with Local Rule 41-6, renders this action subject to dismissal for failure to comply with a court order and failure to prosecute.

Accordingly, within **fourteen (14)** days of the date of this Order, that is, by **August 19, 2013**, plaintiff is **ORDERED TO SHOW CAUSE**, in writing, why this action should not be dismissed for failure to prosecute and/or comply with a court order. Plaintiff is cautioned that his failure to timely file a response to this Order to Show Cause will be deemed by the court as consent to the dismissal of this action without prejudice.