

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 13-2794-JFW (SP)	Date	October 9, 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) Second Order to Show Cause Why Complaint Should Not Be Dismissed for Failure to Prosecute

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 what was then his address of record, his place of incarceration at the Men's Central Jail in Los Angeles, California.

Plaintiff did not file a First Amended Complaint by the July 24, 2013 deadline. 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. Accordingly, on August 5, 2013, the court issued an Order to Show Cause by August 19, 2013 why the case should not be dismissed for failure to prosecute and/or comply with a court order.

On August 7, 2013, plaintiff filed a notice with the court of his new address, stating that he has been moved to another institution. Plaintiff's address of record has now been changed. In light of the notice of change of address, the court discharged the August 5, 2013 Order to Show Cause.

In addition, because it was not clear when plaintiff was moved to a new institution, the court directed the Court Clerk to send plaintiff (1) another copy of the Order Dismissing Complaint with Leave to Amend that was filed in this case on June 24, 2013, and (2) a blank Central District civil rights complaint form to use for filing a First Amended Complaint. In addition, the court sua sponte extended the deadline for plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-2794-JFW (SP)

Date October 9, 2013

Title NICHOLAS C. PAPPAS v. SERGEANT ROJAS

to file a First Amended Complaint to September 13, 2013. Finally, the court again cautioned plaintiff that failure to timely comply with the Order Dismissing Complaint with Leave to Amend, including the new September 13, 2013 deadline to file a First Amended Complaint, may result in a recommendation that this action, or portions thereof, be dismissed.

Over three weeks have passed beyond the extended, September 13, 2013 deadline, yet the court has not received a First Amended Complaint or any other communication from plaintiff since the notice of change of address.

Accordingly, within **twenty-one (21)** days of the date of this Order, that is, by **October 30, 2013**, plaintiff is again **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 may be deemed by the court as consent to the dismissal of this action without prejudice. In the event plaintiff wishes to voluntarily dismiss this action, plaintiff may complete and return the enclosed Notice of Dismissal form by October 30, 2013.

If plaintiff files a First Amended Complaint by **October 30, 2013**, this Order to Show Cause will be automatically discharged, and plaintiff need not respond to it separately.