

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-3853-CJC (JEM)

Date August 11, 2014

Title Cory Dwayne Micenheimer v. John Soto, et al.

Present: The Honorable John E. McDermott, United States Magistrate Judge

S. Anthony

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: **(IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL FOR FAILURE TO PROSECUTE**

On June 5, 2013, Cory Dwayne Micenheimer (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (“Complaint”). On September 16, 2013, the Court dismissed the Complaint, with leave to amend, pursuant to the screening provisions of the Prisoner Litigation Act of 1995 (“PLRA”).

On November 18, 2013, Plaintiff filed a First Amended Complaint.¹ On June 27, 2014, the Court issued a Memorandum and Order Dismissing First Amended Complaint with Leave to Amend within thirty days. Plaintiff was explicitly cautioned that failure to file a Second Amended Complaint (“SAC”) by the deadline set forth in the Court’s Order of June 27, 2014, could result in a recommendation that this action be dismissed for failure to prosecute and failure to comply with a court order.

The July 28, 2014, deadline to file the SAC has passed, and no SAC has been filed.

In light of the foregoing, Plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed for failure to prosecute and/or failure to comply with a Court order. Plaintiff shall file a written response to this Order to Show Cause no later than **September 3, 2014**.² Plaintiff’s failure to respond in writing to the Order to Show

¹ Although plaintiff has entitled the complaint “Second Amended Complaint,” it is a First Amended Complaint and the Court will refer to it as such.

² Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, oral argument on this Order to Show Cause will not be heard unless ordered by the Court. Upon the filing of a Response, the Order to Show Cause will stand submitted.

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Cause by the deadline may result in a recommendation that this action be dismissed for failure to prosecute and/or failure to comply with a court order.

Filing of a Second Amended Complaint consistent with the requirements of the Court's Order of June 27, 2014, shall be a satisfactory response to the Order to Show Cause.

No extensions of this deadline will be granted absent extraordinary circumstances.

IT IS SO ORDERED.

cc: Parties

Initials of Deputy Clerk

: _____
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