

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 13-06030-ODW (AS)	<b>Date</b>	December 28, 2016
<b>Title</b>	Oliver B. Mitchell v. United States Department of Veterans Affairs, et. al.,		

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**Present:** The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

N/A

N/A

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE**

On June 30, 2016, the Court issued an Order to Show Cause why this action should not be dismissed with prejudice for failure to prosecute and failure to obey a Court order. (Docket No. 66). The Court provided Plaintiff with a copy of the Court's Order dated May 31, 2016, which noted that Plaintiff had failed to file a Third Amended Complaint as previously ordered by the Court. Id.

On December 20, 2016, the Court issued a Notice of Discrepancy and Order, REJECTING Plaintiff's "Response to Order to Show Cause," received on December 6, 2016, for failure to comply with Local Rule 11-6 (no response shall exceed 25 pages in length absent leave of Court for good cause shown). (Docket No. 68). According to the Docket, Plaintiff's filing was 100 pages. Id.

Since Plaintiff has failed to timely file a Third Amended Complaint, IT IS HEREBY ORDERED THAT Plaintiff shall, by no later than **January 18, 2017**, show cause in writing why this action should not be dismissed with prejudice for failure to prosecute and failure to obey a court order. This Order will be discharged upon the filing of a Third Amended Complaint that cures the deficiencies in the last pleading, or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a Third Amended Complaint.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a) – but Plaintiff cannot make any such request contingent on receiving other relief. A notice of dismissal form is attached for Plaintiff's convenience. **Plaintiff is warned that failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.**

cc: Otis D. Wright  
United States District Judge