

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-8993-CJC (JEM)

Date May 27, 2015

Title Frank Brocato v. LAPD Officer Antonio Perez, 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**

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff lodged for filing his initial complaint, along with an in forma pauperis application in order to proceed without payment of the full filing fee (IFP Application), on December 5, 2013. (Docket No. 1.) Because Plaintiff requested leave to proceed in forma pauperis, the Court screened the complaint for the purpose of determining whether the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. §§ 1915(e)(2), 1915A. The Court issued an Order to Show Cause (“OSC”) why Plaintiff’s in forma pauperis application should not be denied for failure to allege a cognizable claim. (Docket No. 2.) On September 18, 2014, Plaintiff lodged for filing his First Amended Complaint (“FAC”). The Court granted Plaintiff’s IFP Application and the FAC was filed on December 9, 2014. (Docket Nos. 9, 10.)

On April 13, 2015, the Court issued an 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 April 13, 2015, could result in a recommendation that this action be dismissed for failure to prosecute and/or failure to comply with a court order.

The May 13, 2015, 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

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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 **June 10, 2015**.¹ Plaintiff's failure to respond in writing to the Order to Show 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 April 13, 2015, 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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¹ 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.