

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 14-3390-RT (SP) Date July 2, 2015

Title JOSEPH A. JOHNSON v. KATHLEEN DICKSON, et al.

Present: The Honorable **Sheri Pym, United States Magistrate Judge**

Kimberly Carter

None Appearing

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

None Appearing

None Appearing

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

On June 17, 2014, plaintiff Joseph A. Johnson, a California prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. §§ 1983 and 1985. On October 10, 2014, this court, having completed screening of the complaint, dismissed it with leave to file a First Amended Complaint.

On November 10, 2014, plaintiff filed his First Amended Complaint (“FAC”), which the court subsequently screened and found subject to dismissal in part. In particular, the court found plaintiff failed to state a claim against seven of the seventeen named defendants. The court granted plaintiff leave to file a Second Amended Complaint by June 15, 2015. Alternatively, the court informed plaintiff he may proceed on the FAC against only defendants Guzman, Moran, Varney, Godfrey, Mandelon, Pabon, Powers, Romo, Soto, and Dickinson. To proceed with the FAC plaintiff was required, on or before June 15, 2015, to file a Notice of Dismissal, stating he voluntarily dismisses defendants Harris, Lozano, Wilcox, Adams, Williams, Zamora, and Nunez.

Plaintiff did not file a Second Amended Complaint or otherwise respond to the court’s order by the June 15, 2015 deadline. At this point, it appears plaintiff is no longer interested in prosecuting this case. Accordingly, within **21** days of the date of this Order, that is, by **July 23, 2015**, 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 may also discharge the Order to Show Cause by doing one of the following:

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1. Plaintiff may pursue this action further by filing a Second Amended Complaint by **July 23, 2015**.

2. Plaintiff may pursue this action further by filing a Notice of Intent Not to Amend FAC by **July 23, 2015**. If plaintiff timely files such Notice, the court will recommend dismissal of defendants Harris, Lozano, Wilcox, Adams, Williams, Zamora, and Nunez, leaving plaintiff free to pursue his claims in the FAC against the remaining defendants, and preserving his right to appeal the dismissal of defendants Harris, Lozano, Wilcox, Adams, Williams, Zamora, and Nunez.

3. Plaintiff may pursue this action further by filing a Notice of Dismissal by **July 23, 2015**, specifying that he voluntarily dismisses defendants Harris, Lozano, Wilcox, Adams, Williams, Zamora, and Nunez, in which case the action will proceed against the remaining defendants.

4. If plaintiff wishes to dismiss this action entirely, he may complete and return the enclosed Notice of Dismissal form by **July 23, 2015**.

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.