## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

## **CIVIL MINUTES – GENERAL**

Case No.:	CV 15-01574 CJC (RAO)	Date:	June 5, 2015
Title:	Vadim Stanley Miesegaes v. Cliff Allenby, et al.		

## Present: The Honorable **ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE**

Gay Roberson Deputy Clerk N/A Court Reporter / Recorder

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

N/A

N/A

## Proceedings: (In Chambers) ORDER TO SHOW CAUSE RE DISMISSAL

On March 4, 2015, plaintiff Vadim Stanley Miesegaes ("Plaintiff"), who is committed to the Atascadero State Hospital ("ASH") after being adjudicated not guilty by reason of insanity pursuant to California Penal Code § 1026, proceeding *pro se*, filed a "Complaint under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997(1)(A)(B)(i)" ("Complaint") against (1) Cliff Allenby, Director of the California Department of State Hospitals; (2) Linda Persons, ASH Executive Director; and (3) Ryan Donahue, an ASH Registered Nurse. (ECF No. 1.)

After screening the Complaint purusant to 28 U.S.C. § 1915, the Court determined that the Complaint was deficient in multiple respects and issued an order on May 6, 2015 which, in part, dismissed it with leave to amend. (ECF No. 12.) The order granted Plaintiff until May 20, 2015 to amend and cautioned Plaintiff that "failure timely to file a First Amended Complaint or Notice of Dismissal may result in the dismissal of this action with or without prejudice on the grounds set forth above and/or for failure diligently to prosecute." (*Id.*) As of today, June 5, 2015, Plaintiff has filed neither a First Amended Complaint nor a Notice of Dismissal.

In light of the foregoing IT IS HEREBY ORDERED that Plaintiff must show cause in writing, on or before <u>June 26, 2015</u>, why Plaintiff's action should not be dismissed due to his failure to prosecute. Failure to comply with this Order and/or to show cause will result in the dismissal of this action.

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