

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 15-3557-PA (SP) Date October 27, 2016

Title Joseph Toussaint v. California Department of Corrections and Rehabilitation, 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 Case Should Not Be Dismissed for Failure to Prosecute**

On May 12, 2015, plaintiff Joseph Toussaint, proceeding pro se and in forma pauperis, filed a civil rights complaint pursuant to Title II of the American with Disabilities Act and Section 504 of the Rehabilitation Act. Plaintiff alleges he was denied basic programs, services, and activities due to his psychiatric disability while he was housed at the California State Prison, Los Angeles County.

On October 16, 2015, defendant filed a motion to dismiss the complaint. On September 13, 2016, the court issued an Order granting defendant's motion, dismissing plaintiff's claims for injunctive and declaratory relief with prejudice, and granting plaintiff until October 13, 2016 to file a First Amended Complaint to cure the deficiencies of his claims for monetary relief, as discussed in the court's August 4, 2016 Report and Recommendation. Two weeks having passed beyond this deadline, the court has not received a First Amended Complaint or any other communication from plaintiff.

Accordingly, within **twenty-one (21)** days of the date of this Order, that is, by **November 17, 2016**, 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 discharge the Order to Show Cause by filing a First Amended Complaint by **November 17, 2016**, in accordance with the court's August 4, 2016 Report and Recommendation.

**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.**