

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 16-3274-PA (KS) Date: September 21, 2016

Title Norice D. Patterson v. Randy Grounds

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On May 12, 2016, Norice D. Patterson (“Petitioner”), a state prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus (“Petition”). (Dkt. No. 1.) On May 16, 2016, the Court informed Petitioner that the Petition was incomplete because it does not indicate: when and where Petitioner was convicted; the exact nature of his sentence; Petitioner’s exhaustion of his claims in state court; the precise grounds or claims for relief; and any statement of facts and circumstances demonstrating illegal detention. (Dkt. No. 16.)

In light of those defects, the Court ordered Petitioner to file a First Amended Petition no later than May 31, 2016. (*Id.*) Petitioner subsequently requested and received three extensions of time to file a First Amended Petition. (Dkt. Nos. 5, 7, 8, 9, 10, 11.) In its order granting Petitioner’s final request for an extension, the Court directed Petitioner to file the First Amended Petition no later than September 1, 2016 and stated that no further extensions would be granted in the absence of extraordinary circumstances. (Dkt. No. 11.)

Nearly three weeks have now passed since Petitioner’s First Amended Petition was due, and the Court has not received a First Amended Petition or any other pleading showing good cause for continuing with this action despite the defects identified in the Court’s May 16, 2016 Order. Accordingly, the action is now subject to dismissal under Rule 41(b) of the Federal Rules of Civil Procedure. However, in the interests of justice,

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Petitioner shall receive one final opportunity to file a First Amended Petition. Accordingly, **IT IS HEREBY ORDERED** that, no later than **October 12, 2016**, **Petitioner shall file either:**

- (1) a First Amended Petition that complies with the Court’s May 16, 2016 Order;**
- or**
- (2) a signed application for an extension of time and competent evidence, such as a declaration signed under penalty of perjury, demonstrating that extraordinary circumstances necessitate a fourth extension.**

Alternatively, if Petitioner does not wish to proceed with this action at this time, he may file a signed document entitled Notice Of Voluntary Dismissal and the action will be dismissed without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Petitioner is advised that the failure to timely comply with this Order will result in a recommendation to dismiss his case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41-1.

The Clerk is directed to send Petitioner a copy of the Court’s May 16, 2016 Order.

IT IS SO ORDERED.

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