

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: CV 16-7653 JLS (RAO) Date: February 22, 2017
Title: Tito Ace Thomas v. California Victim Compensation Program, 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 FAILURE TO
TIMELY FILE A FIRST AMENDED COMPLAINT**

On September 30, 2016, Plaintiff Tito A. Thomas (“Plaintiff”), proceeding *pro se*, filed a civil rights complaint, presumably pursuant to 42 U.S.C. § 1983 and/or § 1981 (“Complaint”). (Dkt. No. 1.) Plaintiff also filed a request to proceed *in forma pauperis*. (Dkt. No. 2.) On October 28, 2016, the Court granted Plaintiff’s IFP request. (Dkt. No. 6.) However, after screening the Complaint pursuant to 28 U.S.C. § 1915(e)(2), the Court determined that this action was likely time-barred and that Plaintiff’s pleading was deficient. Thus, on January 13, 2017, the Court dismissed the Complaint but granted Plaintiff leave to amend. (Dkt. No. 7.)

The Court’s order dismissing the Complaint gave Plaintiff until February 13, 2017, to file a First Amended Complaint (“FAC”), and it warned Plaintiff that his failure to do so could result in the dismissal of this action. (Dkt. No. 7 at 10-11.) To date, Plaintiff has not submitted a FAC or any other response to the Court’s order.

In light of the foregoing, **IT IS ORDERED** that Plaintiff must show cause, in writing, on or before **March 8, 2017**, why this case should not be dismissed for failure to prosecute and to comply with Court orders. **Plaintiff’s failure to timely respond to this Order will result in a recommendation that this case be dismissed without prejudice.**

Alternatively, Plaintiff may comply with this order by filing a FAC that remedies the deficiencies noted in the Court’s January 13 order dismissing the Complaint. As noted in that order, such a pleading must (a) be labeled “First Amended Complaint”; (b) be complete in and of itself and not refer in any manner to the original Complaint, *i.e.*, it must include all of the claims

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on which Plaintiff seeks to proceed, Local Rule 15-2; (c) contain a “short plain” statement of the claim(s) for relief, *see* Fed. R. Civ. P. 8(a); (d) make each allegation “simple, concise and direct.” Fed. R. Civ. P. 8(d)(1); (e) make allegations in numbered paragraphs, “each limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b); (f) set forth clearly the sequence of events giving rise to the claims for relief; and (g) allege with sufficient specificity what each defendant did and how that individual’s conduct violated Plaintiff’s civil rights.

If Plaintiff no longer wishes to proceed in this action, he may expedite matters by signing and returning the attached **Notice of Dismissal** by the foregoing deadline, which will result in the voluntary dismissal of this action without prejudice.

IT IS SO ORDERED.

Attachments.

Initials of Preparer _____ : _____
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