

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 17-1213-FMO (KS) Date: September 14, 2017

Title *Tommy Roy Keeton v. G. Marshall et al*

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 February 15, 2017, Plaintiff, a California state prisoner proceeding *pro se*, filed a civil rights complaint (the “Complaint”) pursuant to 42 U.S.C. § 1983. (Dkt. No. 1.) The Court dismissed the initial Complaint with leave to amend, but on July 27, 2017, the Court directed service of the Second Amended Complaint (the “SAC”) (Dkt. No. 18) and ordered Plaintiff to file with the Court, within 30 days, copies of the USM-285 forms that he submitted to the U.S. Marshal. (Dkt. No. 21; *see also* Dkt. Nos. 22, 23.)

More than two weeks have now passed since Plaintiff’s August 26, 2017 deadline for filing copies of the USM-285 forms with the Court, and the Court has not received copies of Plaintiff’s completed USM-285 forms or any other filing reflecting compliance with the Court’s July 27, 2017 Order. The Court may now recommend dismissal of the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, which states that a civil action is subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.”

However, in the interests of justice, Plaintiff is **ORDERED TO SHOW CAUSE on or before October 5, 2017**, why the Court should not recommend that this action be dismissed for failure to prosecute and comply with court orders. If Plaintiff wishes to proceed with this action, he may discharge this Order by filing one of the following:

- (1) a request for an extension of time to file copies of the USM-285 forms and a declaration signed under penalty of perjury that establishes good cause for Plaintiff’s failure to timely comply with the Court’s orders;

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(2) copies of the USM-285 forms that were provided to the United States Marshal Service; or

(3) a declaration, signed under penalty of perjury, that states that Plaintiff mailed the completed USM-285 forms to the U.S. Marshal and proof of the date of mailing, such as a prison mail log.

Alternatively, if Plaintiff does not wish to pursue this action, he may file a document entitled “Notice Of Dismissal” pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Plaintiff is advised that the failure to timely comply with this order may result in the dismissal of this case pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41-1.

Plaintiff is further advised that his deadline for completing service of the SAC is October 25, 2017. If Plaintiff does not mail his completed USM-285 forms to the U.S. Marshal by that date, the case may be subject to dismissal under Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Initials of Preparer

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rhw
