

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 17-01220-SJO (AS)	Date	November 15, 2017
Title	<i>Erika Petty v. Philip L. Browning, et. al.,</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None

None

Proceedings (In Chambers): Order to Show Cause Re: Lack of Prosecution

On February 15, 2017, Defendant Albert A. Smith filed a notice of removal of the complaint filed by pro se Plaintiff Erika Petty in the Los Angeles County Superior Court on January 19, 2017. (Docket Entry No. 1). On February 22, 2017, Defendant Albert Smith filed an answer to the complaint, and on March 22, 2017, Defendants R. Aguirre, Guerra, Madera, Orlik and Pang filed an answer. (Docket Entry Nos. 8-9). On May 25, 2017, the Court issued an Order Regarding Scheduling in Civil Rights Case directing each party to file and serve a Case Management Report on or before August 22, 2017. (Docket Entry No. 13). When the parties failed to comply, the Court issued an Order to Show Cause on October 3, 2017, giving the parties ten days to file their respective Case Management Reports. (Docket Entry No. 14).

Defendants filed a status report on October 4, 2017. (Docket Entry No. 15). In the report, they note that Plaintiff has been “entirely unresponsive to any communication.” (Id. at 3). They state the following about their failed efforts to communicate with Plaintiff:

Plaintiff has not responded to any discovery. Plaintiff has also not responded to any attempt to meet and confer regarding the discovery failure and the possibility of filing a dispositive motion. Most recently letters sent through the United States Postal Service have been returned address changed with no forwarding address.

(Id. at 2).

Plaintiff did not comply with the Court’s Order by filing a Case Management Report, and it appears that she has ceased to participate in this action altogether. Indeed, she has not filed anything

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since Defendant removed the case to this Court nine months ago, on February 15, 2017. Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, no later than **December 5, 2017**, why this action should not be dismissed with prejudice for failure to prosecute.

If Plaintiff no longer wishes to pursue this action, she may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). A notice of dismissal form is attached for Plaintiff's convenience. Plaintiff is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

IT IS SO ORDERED.

cc: S. James Otero
United States District Judge

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