

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 17-7523-FMO (KS) Date: March 6, 2018

Title Tommy Roy Keeton v. D. Seitz, 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 October 13, 2017, Tommy Roy Keeton (“Plaintiff”), a California state prisoner proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (“Complaint”). (Dkt. No. 1.) On November 1, 2017, the Court issued an Order dismissing the Complaint and granting Plaintiff leave to file a First Amended Complaint (“FAC”) that corrected the deficiencies in his Complaint. (Dkt. No. 5.) On November 29, 2017, Plaintiff filed his First Amended Complaint. (Dkt. No. 6.) The Court then issued an order on January 17, 2018 dismissing Plaintiff’s FAC with leave to amend and ordering Plaintiff to file a Second Amended Complaint (“SAC”) by no later than February 16, 2018. (Dkt. No. 7.) The Court warned Plaintiff that his failure to comply with the order and file a Second Amended Complaint on or before the February 16, 2018 deadline could result in dismissal. (*See id.*)

Two weeks have now passed since Plaintiff’s Second Amended Complaint was due, and Plaintiff has neither filed a Second Amended Complaint, notified the Court of a change of address, nor otherwise communicated with the Court about his case.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Accordingly, the Court could properly recommend dismissal of the action for Plaintiff’s failure to timely comply with the Court’s Order.

Plaintiff is **ORDERED TO SHOW CAUSE on or before April 5, 2018** why the Court should not recommend that this action be dismissed for failure to prosecute. Plaintiff may discharge this Order by filing: (1) a request for an extension of time to file a Second Amended

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Complaint and a declaration signed under penalty of perjury, explaining why he failed to comply with the Court’s January 17, 2018 Order; or (2) a Second Amended Complaint correcting the deficiencies identified in the January 17, 2018 Order. Alternatively, if Plaintiff does not wish to pursue this action, he may dismiss the Complaint without prejudice by filing a signed document entitled “Notice Of Voluntary Dismissal” pursuant to Rule 41(a)(2).

Plaintiff is advised that the failure to respond to this order will lead the Court to recommend dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Initials of Preparer

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rhw