

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:18-cv-00327-PSG (MAA) Date: October 29, 2019

Title Roderick Himes v. J. Gastelo, et al.

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Chris Silva
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff:
N/A

Attorneys Present for Defendants:
N/A

**Proceedings (In Chambers): Order to Show Cause Why This Case Should Not Be
Dismissed for Want of Prosecution**

On March 25, 2019, the Court granted in part and denied in part Defendants’ Motion to Dismiss without prejudice, and dismissed the Complaint with leave to amend. (Order Adopting R&R, ECF No. 33.) On April 2, 2019, the Court ordered Plaintiff Roderick Himes (“Plaintiff”) to, no later than **May 2, 2019**, either: (1) file a First Amended Complaint (“FAC”), or (2) advise the Court that Plaintiff does not intend to file a FAC. (Order, ECF No. 34.)

On May 21, 2019, the Court ordered Plaintiff to show cause by **June 20, 2019** why the Court should not recommend that the case be dismissed for failure to follow the Court’s orders and/or for want of prosecution. (“OSC,” ECF No. 35.) In response to the OSC, on June 7, 2019, Plaintiff filed a “Declaration in Support or Order to Show Cause,” which the Court accepted as a “Motion for Appointment of Counsel and Notice of Dismissal.” (Motion Appoint Counsel, ECF No. 36.) On June 11, 2019, the Court discharged the OSC and suspended Plaintiff’s deadline to file a FAC pending resolution of the Motion for Appointment of Counsel. (Order, ECF No. 37.) After the Court denied Plaintiff’s Motion for Appointment of Counsel (Order Denying Counsel, ECF No. 38), the Court ordered Plaintiff to file a FAC by **July 22, 2019** (Order, ECF No. 39).

On August 1, 2019, the Court granted Plaintiff’s request for an extension of time to file a FAC, and extended Plaintiff’s deadline to **September 3, 2019**. (Order, ECF No. 43.) The Court subsequently granted Plaintiff’s second request for an extension of time to file a FAC, and extended Plaintiff’s deadline again to **September 24, 2019**. (Order, ECF No. 52.)

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To date, Plaintiff has filed neither a FAC nor a Notice of Dismissal of the action. (A Notice of Dismissal form is attached to this order.) Plaintiff is **ORDERED TO SHOW CAUSE** by **November 29, 2019** why the Court should not recommend that the case be dismissed for want of prosecution. *See* Fed. R. Civ. P. 41(b); C.D. Cal. L.R. 41-1. If Plaintiff files a FAC or a Notice of Dismissal on or before that date, this Order to Show Cause will be discharged, and no additional action need be taken.

Plaintiff is advised that failure to comply with this order will result in a recommendation that the lawsuit be dismissed without prejudice for failure to prosecute and/or comply with court orders. *See* C.D. Cal. L.R. 41-1.

It is so ordered.

Attachment: Notice of Dismissal (Form CV-09)

Time in Court: 0:00
Initials of Preparer: CSI