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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANDRES MEDINA,

Plaintiff,

v.

DEBBIE ASUNCION, Warden, et al.,

Defendants.

No. CV 18-01847 JLS (AFM)

**ORDER TO SHOW CAUSE AS TO
WHY THIS ACTION SHOULD NOT
BE DISMISSED**

On March 5, 2018, the Court received a complaint asserting claims under 42 U.S.C. § 1983 from Plaintiff Andres Medina, a prisoner at the California State Prison, Los Angeles County (CSP-LAC). Two serious deficiencies were noted with the filing of this complaint: (1) it was submitted by United States mail in violation of this Court's General Order No. 18-02; and (2) neither the filing fee nor a request to proceed without pre-payment of the fee was submitted with the complaint. Immediately upon receipt of the complaint, a Notice of Deficiency was issued informing Plaintiff that he was required to cure his failure to submit the complaint pursuant to General Order No. 18-02 by presenting a copy of his complaint to designated staff at CSP-LAC for scanning and emailing to the Court, within two weeks of March 6, 2018, the date the Notice of Deficiency was issued.

1 More than two weeks have now passed, but it does not appear that the Plaintiff has
2 yet complied with General Order No. 18-02. Nor has Plaintiff paid the filing fee or
3 submitted an application to proceed without pre-payment of that fee.

4 Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE as to why
5 this action should not be dismissed. To avoid dismissal, Plaintiff must, within
6 fourteen (14) days: (1) submit an exact copy of his complaint to designated CSP-
7 LAC staff for scanning and emailing to the Court, OR file a response to this Order
8 explaining why he should be exempt from General Order No. 18-02 and allowed to
9 file by United States mail; AND (2) either pay the full filing fee of \$400 (a \$350
10 filing fee plus a \$50 administrative fee) or submit a completed Request to Proceed
11 Without Prepayment of Filing Fees with Declaration in Support form (CV-60P),
12 along with a CERTIFIED copy of his trust account statement for the past six
13 months (or institutional equivalent) and a disbursement notification. See General
14 Order 18-02, 28 U.S.C. § 1915(a); Local Rule 5-2.

15 **If Plaintiff does not satisfy both paragraphs (1) and (2), above, within**
16 **fourteen (14) days from the date of this Order, this case may be dismissed**
17 **based upon Plaintiff's failure to comply with General Order 18-02 and this**
18 **Order, and/or Plaintiff's failure diligently to prosecute this action.**

19 Plaintiff is advised that if he submits a Request to Proceed Without
20 Prepayment of Filing Fees with Declaration in Support and it is granted, Plaintiff
21 may be ordered to pay a partial filing fee within thirty (30) days in order for the
22 case to proceed. Regardless of whether an initial partial fee is ordered, Plaintiff
23 will remain liable for the amount of \$350 (which does not include the \$50
24 administrative fee), regardless of his present ability to pay it. Only a judge can
25 order partial filing fee payments; partial payments should not be submitted until a
26 judge has granted a Request to Proceed Without Prepayment of Filing Fees with
27 Declaration in Support and set a payment schedule. If a Request to Proceed
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1 Without Prepayment of Filing Fees with Declaration in Support is submitted and
2 denied, Plaintiff will be required to pay the full filing fee of \$400 in order to
3 proceed with the case.

4 IT IS SO ORDERED.

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6 DATED: 4/16/2018

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ALEXANDER F. MacKINNON
12 UNITED STATES MAGISTRATE JUDGE

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Attachment: CV-60P