

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES – GENERAL

Case No. 2:23-cv-04914-RGK-MAR

Date: November 14, 2023

Title Roberto Leveron v. W.Z. Jenkins, et alPresent: The Honorable: MARGO A. ROCCONI, UNITED STATES MAGISTRATE JUDGE

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Valerie Velasco

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

**Proceedings: (In Chambers) SECOND ORDER TO SHOW CAUSE RE: DISMISSAL  
FOR LACK OF PROSECUTION**

On June 3, 2023, Roberto Leveron (“Plaintiff”) proceeding pro se, constructively filed a Complaint (“Complaint”) pursuant to Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971). ECF Docket No. (“Dkt.”) 1.

On August 28, 2023, the Court dismissed the Complaint with leave to amend (“ODLA”), granting Plaintiff until September 18, 2023, to either: (1) file a First Amended Complaint; (2) file a notice that he intends to stand on the allegations in the Complaint; or (3) voluntarily dismiss the action without prejudice. Dkt. 12 at 17–18. The ODLA cautioned Plaintiff that failure to timely file a response to the ODLA “**will result**” in the dismissal of the Complaint for failure to prosecute. Id. at 18.

On October 12, 2023, this Court issued an Order to Show Cause (“OSC”) giving Plaintiff until November 3, 2023 to show why this action should not be dismissed for failure to prosecute. Dkt. 13. Plaintiff was again warned that “[f]ailure to respond to the Court’s Order **will result in the dismissal of the action.**” Id. (emphasis added). To date, Plaintiff has not responded to the Court’s October 12, 2023 OSC.

Accordingly, Plaintiff must respond to the Court’s October 12, 2023 OSC with one (1) of the three (3) options listed in the OSC:

- (1) Plaintiff shall file a First Amended Complaint that addresses the deficiencies identified in the Court’s August 28, 2023 ODLA;
- (2) Plaintiff shall provide the Court with an explanation as to why he has failed to file a First Amended Complaint; or
- (3) Plaintiff may request a voluntarily dismissal of the action pursuant to Federal Rule of Civil Procedure 41(a). The Clerk of Court is directed to attach a Notice of Dismissal form for Plaintiff’s convenience.

Dkt. 13. Plaintiff must comply **within fourteen (14) days of this Order, by November 27, 2023**, or this action will be dismissed for failure to prosecute.

**IT IS SO ORDERED.**

Initials of Preparer

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VV

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