

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: ED CV 13-02193-AB (SPx)

Date: February 12, 2015

Title: Michael Martin v. City of Barstow et al.

Present: The Honorable ANDRÉ BIROTTE JR.

Carla Badirian
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Appearing

None Appearing

Proceedings: [In Chambers] Order to Show Cause and Continuing Scheduling Conference

On June 6, 2014, Plaintiff Michael Martin filed a second amended complaint against Defendants City of Barstow, Chief of Police Dianne Burns, and Officers Adam Cortinas and Terry Sidur. (Dkt. No. 15.) On January 6, 2015, Defendants City of Barstow and Officers Cortinas and Sidur filed an answer to the second amended complaint. (Dkt. No. 27.) Defendant Burns has yet to appear this case. Plaintiff never served Defendant Burns with the second amended complaint, and thus Burns has not filed an answer to the second amended complaint.

On January 21, 2015, the Court issued an Order to Show Cause (“OSC”) why Defendant Burns should not be dismissed from this action for lack of prosecution. (Dkt. No. 31.) The deadline to respond to the OSC was January 28, 2015. As of the date of this order, no response has been filed.

On February 9, 2015, Defendants filed the Joint Rule 26(f) report (Dkt. No. 33), in anticipation of the February 23, 2015 Scheduling Conference. Defendants prepared and

filed the report without Plaintiff's participation, as Plaintiff did not respond to defense counsel's requests to schedule the required meet-and-confer conference. (*See* Dkt. No. 33-1.)

It appears that Plaintiff has abandoned his claims. Plaintiff is hereby **ORDERED** to show cause why this action should not be dismissed for lack of prosecution. Plaintiff shall file a written response brief not to exceed 10 pages in length **no later than March 2, 2015**. Plaintiff's failure to timely respond will result in dismissal of this action without further notice.

On the Court's own motion, the Scheduling Conference is continued from February 23, 2015 to March 9, 2015 at 10:00 a.m.

IT IS SO ORDERED.