

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | ED CV 15-1051-VBF (SK) | Date | March 6, 2017 |
| Title | Benjamin Lee v. CHP Officer Pirko, et al. | | |

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| Present: The Honorable | Steve Kim, United States Magistrate Judge | | |
| | Marc Krause | | n/a |
| | Deputy Clerk | | Court Smart / Recorder |
| Attorneys Present for Plaintiff: | Attorneys Present for Defendants: | | |
| None present | None present | | |

Proceedings: (IN CHAMBERS) **ORDER TO SHOW CAUSE**

Plaintiff filed a First Amended Complaint (FAC) following the Court's order dismissing his original complaint with leave to amend under the screening authority of 28 U.S.C. § 1915A. (ECF Nos. 35, 40). That screening order explained that certain of Plaintiff's claims were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Because the FAC did not cure the deficiencies laid out in the screening order, the Court issued a subsequent order seeking clarification from Plaintiff to ensure that Plaintiff understood why *Heck* foreclosed many of his claims and afforded him the opportunity to file a second amended complaint that alleged only claims not precluded by *Heck*. (ECF No. 64). In response, Plaintiff did not file an amended complaint or provide any clarification of his understanding or intent as ordered by the Court, but instead – with one sentence – sought a stay of the FAC without citing any law or providing any reasons. (ECF No. 67). Plaintiff has not complied with the instructions in either the Court's screening or clarification orders.

THEREFORE, Plaintiff is ORDERED TO SHOW CAUSE by no later than April 6, 2017 why the FAC should not be dismissed for failure to state a claim and why this action should not be dismissed for failure to comply with court orders. Plaintiff may discharge this Order to Show Cause by withdrawing the motion for stay and filing an amended complaint consistent with the Court's prior screening and clarification orders. This is Plaintiff's final opportunity to cure the deficiencies in the FAC and file an amended complaint that states a claim for relief not barred by *Heck*.

Plaintiff's failure to comply with this Order to Show Cause shall result in a recommendation that this action be dismissed for failure to comply with court orders and/or failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b) and Local Civil Rule 41-1. If Plaintiff no longer wishes to pursue this action he may request a voluntary dismissal of the action pursuant to Federal Rule of Civil Procedure 41(a). The Clerk is directed to provide Plaintiff with a Notice of Dismissal form (CV-009) and the court-approved Civil Rights Complaint form (CV-66).