

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	ED CV 16-1382-R-AS	Date	September 26, 2017
Title	Antonio Calles v. Dr. Johannes Haar		

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

Deputy Clerk

Attorneys Present for Plaintiffs:

Not present

Proceedings (In Chambers):

Not reported

Court Reporter / Recorder

Attorneys Present for Defendants:

Not present

Order to Show Cause Re: Lack of Prosecution

On May 11, 2017, the Court issued an ordered granting-in-part and denying-in-part Defendant’s motion for judgment on the pleadings, dismissing Plaintiff’s First Amended Complaint with leave to amend. (Docket Entry No. 31). Plaintiff directed to “file a Second Amended Complaint no later than 30 days from the date of this Order.” *Id.* at 18. Plaintiff was “explicitly cautioned that failure to timely file a Second Amended Complaint, or failure to correct the deficiencies described . . . , may result in a recommendation that this action, or portions thereof, be dismissed with prejudice for failure to prosecute and/or failure to comply with court orders.” (*Id.* at 14).

To date, Plaintiff has failed to file a Second Amended Complaint or request a further extension of time to do so. Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, no later than **October 20, 2017**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a Second Amended Complaint that cures the deficiencies in the last pleading or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a Second Amended Complaint. A copy of the Court’s May 11, 2017, Order is attached for Plaintiff’s convenience.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). A notice of dismissal form is attached for Plaintiff’s convenience. Plaintiff is warned that a failure to timely respond to

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this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

cc: Manuel L. Real
United States District Judge

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Initials of Preparer _____ AF _____