

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 16-1832-DMG -AS	Date	May 24, 2017
Title	Grant Gordon Otte v. W. Hawkings, et al.		

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 August 25, 2016, Plaintiff Grant Gordon Otte (“Plaintiff”) filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983. (Docket Entry No. 1). The case was assigned to this Court, and a Notice of Assignment was mailed to Plaintiff at his address of record. (Docket Entry No. 3). On September 16, 2016, the Court screened and dismissed the initial Complaint, with leave to amend. (Docket Entry No. 5). On December 19, 2016, Plaintiff filed a First Amended Complaint, and on January 25, 2017, the Court dismissed the First Amended Complaint with leave to amend. (Docket Entry Nos. 9-10).

On February 23, 2017, Plaintiff filed a request for additional time to file a Second Amended Complaint (“SAC”). (Docket Entry No. 11). On February 27, 2017, the Court granted the request, giving Plaintiff 30 additional days to file a SAC, which was due on March 27, 2017. (Docket Entry Nos. 12). In the Court’s January 25, 2017, Order, 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.” (Docket Entry No. 10 at 8).

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 **June 26, 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

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under penalty of perjury stating why Plaintiff is unable to file a Second Amended Complaint. A copy of the Court's Orders dated January 25, 2017 and February 27, 2017 are 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 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: Dolly M. Gee
United States District Judge

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Initials of Preparer _____ AF _____