

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 16-2294-JLS (JEM)	Date	December 22, 2016
Title	Timothy Tokunba Ola, Jr. v. Paul Sinclair, et al.		

Present: The Honorable	John E. McDermott, United States Magistrate Judge
---------------------------	---

S. Anthony

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO PROSECUTE**

On November 3, 2016, Plaintiff Timothy Tokunba Ola filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (“Complaint”), along with a request to proceed without prepayment of filing fees (“IFP Request”). (Dkt. Nos. 1, 2.) Plaintiff listed his address as the West Valley Detention Center (“WVDC”) in Rancho Cucamonga, California.

On November 3, 2016, the Court issued a Notice of Assignment. (Dkt. No. 3.) On November 9, 2016, the Court issued an Order granting Plaintiff’s IFP Request (“IFP Order”) and an Initial Case Order. (Dkt. Nos. 4, 5.) All of these documents were mailed to Plaintiff at his address of record.

On November 21, 2016, the Notice of Assignment, IFP Order, and Initial Case Order were returned to the Court as undeliverable on the basis that Plaintiff was “Out of Custody.” (Dkt. Nos. 6, 7, 8.)

Pursuant to Local Rule 41-6, Petitioner has an obligation to keep the Court advised of a current address throughout the duration of this matter. See Local Rule 41-6 (“If mail directed by the Clerk to a *pro se* plaintiff’s address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of said plaintiff’s current address, the Court may dismiss the action with or without prejudice for want of prosecution.”).

It has been more than fifteen (15) days since the Notice of Assignment, IFP Order, and Initial Case Order were returned to the Court as undeliverable, and Plaintiff has failed to notify the Court in writing of his current address.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. EDCV 16-2294-JLS (JEM)

Date December 22, 2016

Title Timothy Tokunba Ola, Jr. v. Paul Sinclair, et al.

In light of the foregoing, IT IS ORDERED THAT:

1. Plaintiff is ORDERED TO SHOW CAUSE why this case should not be dismissed for failure to prosecute. Petitioner shall file a written response to this Order to Show Cause no later than **January 12, 2017.**¹ **Filing of a Notice of Change of Address advising the Court of Petitioner's current address shall be a satisfactory response to the Order to Show Cause.**

2. No extensions of this deadline will be granted absent extraordinary circumstances.

3. Petitioner is explicitly warned that failure to respond in writing to this Order to Show Cause by the above deadline may result in a recommendation that this action be dismissed for failure to prosecute this action and/or for failure to obey the Court's orders.

Initials of Preparer

:

sa

¹ Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, oral argument on this Order to Show Cause will not be heard unless ordered by the Court. Upon the filing of a Response, the Order to Show Cause will stand submitted.