

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

No.	CV 17-0079-MWF-AS	Date	May 25, 2017
Title	<b>Shane Matthew Mulvihill v. Dean Borders</b>		

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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 December 23, 2016, Plaintiff Shane Matthew Mulvihill (“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. 5). On February 21, 2017, the Court screened and dismissed the initial Complaint with leave to amend, directing Plaintiff to “file a First Amended Complaint no later than 30 days from the date of this Order.” (Docket Entry No. 7). Plaintiff was “explicitly cautioned that failure to timely file a First 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 First 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 First 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 First Amended Complaint. A copy of the Court’s February 21, 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: Michael W. Fitzgerald  
United States District Judge

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