

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

| | | | |
|-----------------|------------------------------|-------------|-----------------|
| Case No. | EDCV 17-972 JVS(JC) | Date | August 29, 2017 |
| Title | Julie Daugherty v. Scott Lee | | |

| | | | |
|---|--|--|----------|
| Present: The Honorable | Jacqueline Chooljian, United States Magistrate Judge | | |
| Donnamarie Luengo, Relief | None | | None |
| Deputy Clerk | Court Reporter / Recorder | | Tape No. |
| Attorneys Present for Plaintiff: | | Attorneys Present for Defendants: | |
| none | | none | |

Proceedings: (IN CHAMBERS)

ORDER TO SHOW CAUSE RE DISMISSAL

On April 24, 2017, in the United States District Court for the Northern District of California, Julie Daugherty (“plaintiff”), who was then in custody at the California Institution for Women in Corona, California (“CIW”), is proceeding without a lawyer (*i.e.*, “*pro se*”), and has been granted leave to proceed *in forma pauperis*, filed a Civil Rights Complaint (“Complaint”) pursuant to 42 U.S.C. § 1983 (“Section 1983”) with attached exhibits naming as the sole defendant Dr. Scott Lee (“Lee”), an “OBGYN” at the CIW. (Complaint at 1-2). The case was subsequently transferred to the Central District of California and assigned to this Court for adjudication.

On July 31, 2017, the Court dismissed the Complaint with leave to amend and directed plaintiff, within fourteen (14) days, to file a First Amended Complaint or a signed Notice of Dismissal. The Court further expressly cautioned plaintiff in bold-faced print that the failure timely to file a First Amended Complaint or a Notice of Dismissal may be deemed plaintiff’s admission that amendment is futile and may result in the dismissal of this action, with or without prejudice, on the grounds set forth in such Order, on the ground that amendment is futile, for failure diligently to prosecute, and/or for failure to comply with such Order.

To date, although the foregoing deadline has expired, plaintiff has failed to file a First Amended Complaint or a Notice of Dismissal, or to seek an extension of time to do so.

IT IS ORDERED that the plaintiff shall show cause in writing, on or before **September 8, 2017**, why plaintiff’s failure to file a First Amended Complaint or a Notice of Dismissal should not be deemed plaintiff’s admission that amendment is futile and why this action should not be dismissed on the grounds set forth in the July 31, 2017 Order, on the ground that amendment is futile, based upon plaintiff’s failure to prosecute, and/or based upon plaintiff’s failure to comply with the July 31, 2017 Order. **If plaintiff no longer wishes to pursue this action, she may expedite matters by instead signing and returning the attached Notice of Dismissal by the foregoing deadline.**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. EDCV 17-972 JVS(JC)

Date August 29, 2017

Title Julie Daugherty v. Scott Lee

Plaintiff is cautioned that the failure to comply with this order and/or to show good cause, may be deemed plaintiff's admission that amendment is futile and may result in the dismissal of this action on the ground that amendment is futile, on the grounds set forth in the July 31, 2017 Order, based upon plaintiff's failure to prosecute this action and/or based upon plaintiff's failure to comply with the Court's Orders.

IT IS SO ORDERED.

Attachment