

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. EDCV 20-1898-JWF (KS) Date: November 16, 2020

Title Jesse Chacon Jr. v. Ralph Diaz et al

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

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

On September 8, 2020, Plaintiff, a California state prisoner proceeding *pro se* and *in forma pauperis*, commenced this civil rights suit against several California Department of Corrections and Rehabilitation (“CDCR”) officials. (Dkt. No. 1.) On September 28, 2020, the Court dismissed the Complaint for failure to state a claim but granted Plaintiff leave to amend and ordered Plaintiff to file a First Amended Complaint correcting the defects identified by the Court no later than October 19, 2020. (Dkt. No. 10.) On October 13, 2020, Plaintiff filed two motions, in which he (1) challenged the Court’s dismissal of the Complaint with leave to amend and (2) asked to transfer the action to the Eastern District. (Dkt. Nos. 12, 13.) On October 30, 2020, the Court denied the motions and, observing that Plaintiff had missed his October 19, 2020 deadline for filing a First Amended Complaint, stated: “in order to proceed with this lawsuit, Plaintiff must file the First Amended Complaint immediately or the Court may recommend dismissal.” (Dkt. No. 15.)

More than two weeks have now passed since the Court’s October 30, 2020 warning, and nearly a month has passed since Plaintiff’s First Amended Complaint was due. To date, Plaintiff has not filed a First Amended Complaint, a request for an extension of time, or a Notice of Voluntary Dismissal. Rule 41(b) of the Federal Rules of Civil Procedure states that an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Accordingly, the Court could properly recommend dismissal of the action for Plaintiff’s failure to timely comply with the Court’s prior orders.

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However, in the interests of justice, Plaintiff is **ORDERED TO SHOW CAUSE on or before December 7, 2020**, why the Court should not recommend that this action be dismissed for failure to prosecute. Plaintiff may discharge this Order by filing: (1) a request for an extension of time to file a First Amended Complaint and a declaration signed under penalty of perjury, explaining why he failed to comply with the Court’s prior order; or (2) a First Amended Complaint correcting the deficiencies identified in the Court’s September 28, 2020 Order. Alternatively, if Plaintiff does not wish to pursue this action, he may dismiss the Complaint without prejudice by filing a signed document entitled “Notice Of Voluntary Dismissal” pursuant to Rule 41(a).

**Plaintiff is advised that the failure to respond to this order will result in a recommendation of dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.**

The Clerk is directed to send Plaintiff a copy of the Court’s September 28, 2020 Order (Dkt. No. 10) and the Central District’s standard civil rights complaint form.

**IT IS SO ORDERED.**

**Initials of Preparer**

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