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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11	LONGNIE D. SAMPSON,	)	Case No. SACV 15-02158-MWF (DTB)
12		)	
13	vs.	)	ORDER TO SHOW CAUSE
14	RICHARD TAUER, et al.,	)	
15	Defendants.	)	

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**PROCEEDINGS**

On December 28, 2015, plaintiff filed this pro se civil rights action. Named in the Complaint as defendants in their individual capacities are Richard Tauer (“Tauer”), Donna Brush (“Brush”), Mark Bresee (“Bresee”), Erica Williams (“Williams”), Marian Kim-Phelps (“Kim-Phelps”), Vicki Hansen (“Hansen”), James Jimenez (“Jimenez”), Mary Mangold (“Mangold”), Jamison Power (“Power”), Khanh Nguyen (“Nguyen”), Penny Loomer (“Loomer”), and Amy Walsh (“Walsh”). Also named is the Westminster Board of Trustees (the “Board”) for the Westminster School District (“WSD”).

On February 11, 2016, Mangold and Nguyen filed a Motion to Dismiss and Motion for More Definite Statement (“First Motion”), on the grounds that plaintiff fails to state a claim upon which relief can be granted and plaintiff’s claims are barred

1 by the statute of limitations. On March 3, 2016, Power, Loomer, Walsh, Kim-Phelps,  
2 Hansen, and Jimenez filed a Motion to Dismiss and Motion for More Definite  
3 Statement (“Second Motion”), on the grounds that plaintiff fails to state a claim upon  
4 which relief can be granted, plaintiff’s claims are barred by the statute of limitations,  
5 and plaintiff fails to identify any cognizable legal theory against Hansen, Loomer,  
6 Kim-Phelps, and Jimenez. On March 10, 2016, plaintiff filed an Opposition to the  
7 First Motion and on March 25, 2016, he filed an Opposition to the Second Motion.  
8 On April 7, 2016, Tauer filed a Motion to Dismiss and Motion for More Definite  
9 Statement (“Third Motion”), on the grounds that plaintiff fails to state a claim upon  
10 which relief can be granted and plaintiff’s claims are barred by the statute of  
11 limitations. On April 29, 2016, plaintiff filed an Opposition to the Third Motion.

12 On May 19, 2016, plaintiff filed an application for entry of default against  
13 Bresee and default was entered by the Clerk on May 24, 2016. On June 20, 2016,  
14 Bresee filed a Motion to Set Aside Default (“Motion to Set Aside”). Plaintiff filed  
15 his Opposition on July 11, 2016, and Bresee filed his Reply on July 18, 2016. On the  
16 same date, plaintiff filed a Motion for Extended Time to Serve Defendant Donna  
17 Brush Per Judge’s Order (“Motion for Extension”), together with a supporting  
18 declaration. On July 22, 2016, Brush filed a Joinder to Motions to Dismiss and  
19 Motions for More Definite Statement (“Joinder”).

20 On August 2, 2016, the Court issued its Report and Recommendation (“R&R”)  
21 wherein it recommended that defendants’ First, Second, and Third Motions to  
22 Dismiss be granted; that Brush’s Joinder be denied as moot; that Bresee’s Motion to  
23 Set Aside Default be granted and that the Clerk’s entry of default against Bresee be  
24 set aside; that plaintiff’s Motion for Extension be denied as moot; that the Complaint  
25 be dismissed with leave to amend; and that if plaintiff still desired to pursue this  
26 action, he must file a First Amended Complaint within (30) days of the date of the  
27 District Court’s Order accepting the R&R.

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1 On September 20, 2016, the District Court accepted the R&R. Accordingly,  
2 as the Complaint was dismissed with leave to amend, plaintiff's First Amended  
3 Complaint was due on or before October 20, 2016.

4 Plaintiff has failed to file a First Amended Complaint within the allotted time,  
5 nor has he requested an extension of time within which to do so. Accordingly, on or  
6 before **November 21, 2016**, plaintiff is ORDERED to (a) show good cause in writing,  
7 if any exists, why plaintiff has not filed his First Amended Complaint; or (b) file his  
8 First Amended Complaint; or (c) advise the Court that he does not desire to proceed  
9 with this action. Plaintiff is forewarned that, if he fails to show cause, or otherwise  
10 respond to this Court's Order, the Court will construe such unresponsiveness as  
11 further evidence of plaintiff's lack of prosecution of this action, and that such lack of  
12 prosecution will constitute a basis to dismiss this action in its entirety.

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14 DATED: October 31, 2016



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16 THE HONORABLE DAVID T. BRISTOW  
17 UNITED STATES MAGISTRATE JUDGE  
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