

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 16-1219-JFW (AS)	Date	December 27, 2016
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Title	<i>Byron Martin v. Garden Grove Police Department of Orange County of California.</i>
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Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not present

Not present

Proceedings (In Chambers):

Order to Show Cause Re: Lack of Prosecution

On July 1, 2016, Plaintiff Byron Martin (“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 the address listed on the Complaint. (Docket Entry No. 3). On September 29, 2016, the Court dismissed Plaintiff’s 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). Accordingly, Plaintiff’s First Amended Complaint was due on October 31, 2016.

To date, Plaintiff has failed to file a First Amended Complaint or request an extension of time to do so. Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, in writing, no later than **January 27, 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 he is unable to file a First Amended Complaint. A copy of the Court’s September 29, 2016 Order is attached for Plaintiff’s convenience.

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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 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: John F. Walter
United States District Judge

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