UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

ARTHUR LOPEZ,

Plaintiff,

v.

TUSTIN POLICE DEPARTMENT, et al.,

Defendants.

No. SA CV 17-496-R (PLA)

ORDER TO SHOW CAUSE RE DISMISSAL OF ACTION AS TIME BARRED

On March 20, 2017, plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983, and requested leave to proceed in forma pauperis. Because plaintiff has requested leave to proceed in forma pauperis, the Court has screened the Complaint for the purpose of determining whether the action is frivolous or malicious; or fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2).

Plaintiff is asserting that his federal Constitutional rights were violated when, on January 5, 2012, defendants conspired to cover up damage that was done to his automobile when defendant towing service put diesel fuel in his car instead of gasoline.

Federal civil rights claims are subject to the forum state's statute of limitations applicable to personal injury claims, which, effective January 1, 2003, is two years for personal injury claims. See Cal. Civ. Proc. Code § 335.1. Because it appears that plaintiff's claims would have accrued

on or about January 5, 2012, his claims would be subject to the two-year statute. Consequently, any federal civil rights claims that plaintiff may be purporting to raise appear to have been time-barred as of January 2014, at the very latest. Plaintiff did not file the instant Complaint until March 20, 2017, **more than three years after** the expiration date of the statute of limitations.

Accordingly, **plaintiff is ordered to show cause, no later than April 6, 2017**, why this action should not be summarily dismissed as time-barred. **Plaintiff is advised that his failure to timely respond to this Order to Show Cause, or his failure to show why his action is not time-barred, will result in dismissal of this action with prejudice**.

Dated: March 23, 2017

PAUL L. ABRAMS
UNITED STATES MAGISTRATE JUDGE