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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HERIBERTO AVILA, JR.,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE, et al.,

Defendants.

Case No. 1:17-cv-00146-DAD-SKO

**ORDER TO SHOW CAUSE WHY
THIS CASE SHOULD NOT BE
RECOMMENDED FOR DISMISSAL**

Plaintiff filed his initial *pro se* Complaint on February 2, 2017. (Doc. 1.) In its order entered on April 12, 2017, the Court dismissed this Complaint with leave to amend. (Doc. 4 at 4.) The Court also ordered that, “[w]ithin thirty (30) days of this [April 12, 2017] order, Plaintiff shall file an amended complaint curing the deficiencies by the Court in this order.” (*Id.*) The Court further cautioned Plaintiff that, “[i]f [he] fails to file an amended complaint within thirty (30) days of this [April 12, 2017] order, this action will be dismissed without prejudice for failure to state a claim.” (*Id.*) To date, Plaintiff has not filed an amended complaint.

Accordingly, the Court ORDERS Plaintiff to show cause within twenty-one (21) days of the date of service of this Order why this action should not be dismissed for his failure comply with the Court’s April 12, 2017 order by not filing an amended complaint within the specified

1 period of time. The Court further CAUTIONS Plaintiff that, if he fails to file this statement within
2 twenty-one (21) days of the date of service of this Order, the Court will recommend to the
3 presiding district court judge that this action be dismissed, in its entirety.

4 The Court DIRECTS the Clerk to send a copy of this Order to Plaintiff at his address listed
5 on the docket for this matter.

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7 IT IS SO ORDERED.

8 Dated: June 5, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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