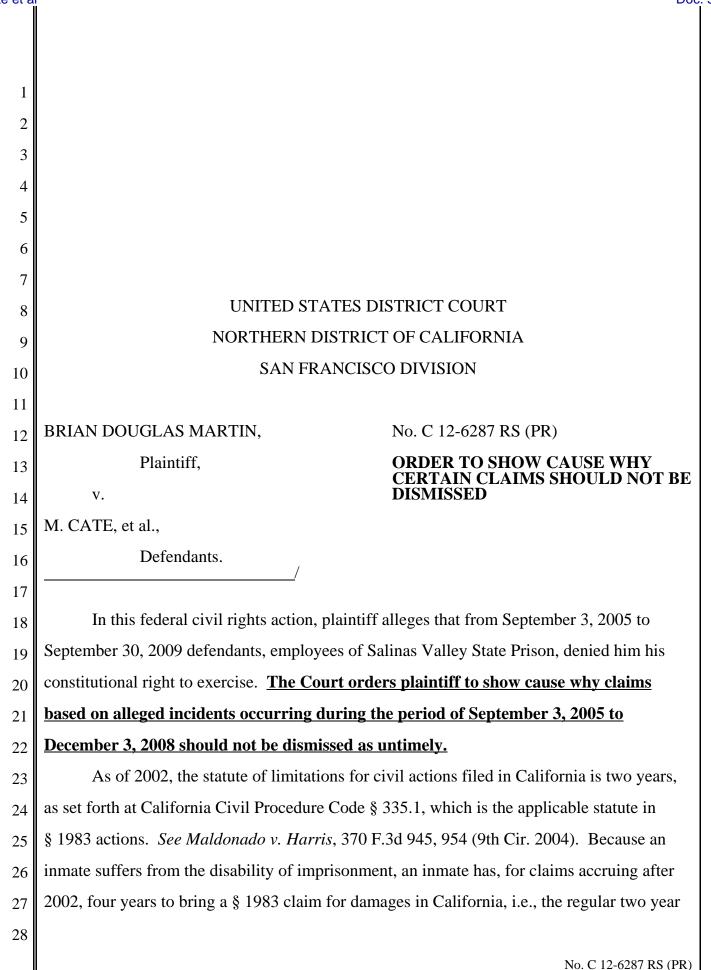
ORDER TO SHOW CAUSE

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United States District Court For the Northern District of California

period under section 335.1 plus two years during which accrual was postponed due to the 1 2 disability of imprisonment. This tolling provision is unavailable for inmates who are 3 sentenced to life without the possibility of parole. In his response to the Court's order, plaintiff must include the length of his sentence, and the date and place of conviction 4 5 and sentencing.

6 Although the statute of limitations is an affirmative defense that normally may not be raised by the court sua sponte, it may be grounds for sua sponte dismissal of an in forma 8 *pauperis* complaint where the defense is complete and obvious from the face of the pleadings or the Court's own records. See Franklin v. Murphy, 745 F.2d 1221, 1228-30 (9th Cir. 10 1984). That is the situation here: the defense appears complete and obvious from the face of the complaint because this action was filed more than four years after the occurrence of the many of the acts and omissions alleged in the complaint. 12

On or before June 1, 2013, plaintiff must show cause why the claims discussed above should not be dismissed as untimely. Failure to file a response to this order by this date will result in the dismissal of the action pursuant to Federal Rule of Civil **Procedure 41(b) for failure to prosecute.**

IT IS SO ORDERED.

DATED: April <u>15</u>, 2013

HARD SEEBOR

United States District Judge

United States District Court

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