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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUCILLE WINSTON, et al.,
Plaintiffs,
v.
DEPARTMENT OF AGRICULTURE, et al.,
Defendants.

Case No. [14-cv-05417-MEJ](#)

FOURTH ORDER TO SHOW CAUSE

Plaintiff Lucille M. Winston brings this action on behalf of herself and as the Guardian Ad Litem for her minor daughter, Plaintiff Lumari Newsome. Am. Compl. at 2, Dkt. No. 15. On September 18, 2015, Defendants filed a Motion to Dismiss Plaintiffs' Amended Complaint, with a noticed hearing date of November 5, 2015. Dkt. No. 25. Plaintiffs failed to file an Opposition pursuant to Civil Local Rule 7, and the Court therefore issued a Third Order to Show Cause¹ in this case, ordering Plaintiffs to show cause why this case should not be dismissed for failure to prosecute. Dkt. No. 31. Although Plaintiffs did not respond to the Order to Show Cause, they filed a Statement of Non-Opposition to Defendants' Motion. Dkt. No. 32. Accordingly, the Court discharged the Third Order to Show Cause, denied the Motion to Dismiss as moot, and ordered Plaintiffs to file a Second Amended Complaint by October 20, 2015. Dkt. No. 34. The Court also directed Plaintiffs, for a second time, to file a consent or declination to proceed before a magistrate judge, also due by October 20, 2015. Dkt. No. 33. Plaintiffs have failed to comply with both court-ordered deadlines.

Based on this procedural background, the Court issues this Fourth Order to Show Cause and ORDERS as follows:

¹ The Court issued the first and second Orders to Show Cause to Plaintiffs on April 29, 2015 (Dkt. No. 12) and August 24, 2015 (Dkt. No. 18).

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- 1) Plaintiffs shall file a declaration by November 2, 2015, signed by Lucille Winston and Plaintiffs' counsel of record. In their declaration, Plaintiffs and counsel shall provide a summary of the procedural background of this case, including the four orders to show cause. Plaintiff Winston shall attest that she received the four orders to show cause and is aware of the contents therein. Plaintiffs shall also show cause as to why this case should not be dismissed for failure to prosecute and failure to comply with court-ordered deadlines.
- 2) Plaintiffs shall file their Second Amended Complaint by November 2, 2015. Plaintiffs are advised that they must file both the declaration and Second Amended Complaint by November 2, 2015. It is not enough for Plaintiffs to file an Amended Complaint without also responding to this Order to Show Cause.
- 3) The Court shall conduct an Order to Show Cause hearing on November 12, 2015 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California.
- 4) As there have now been four orders to show cause in this case, Plaintiffs are advised that the Court will very likely dismiss this case without a hearing if no responsive declaration is filed. Thus, it is imperative that the Court receive a written response by the deadline above.

IT IS SO ORDERED.

Dated: October 26, 2015



MARIA-ELENA JAMES
United States Magistrate Judge