

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARILYN BLOCH,
Plaintiff,
v.
FACEBOOK INC.,
Defendant.

Case No. [4:17-cv-03803-KAW](#)

**ORDER TO SHOW CAUSE; ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

Re: Dkt. No. 6

On August 7, 2017, the Court dismissed Plaintiff Marilyn Bloch’s complaint with leave to amend. (Dkt. No. 6.) The Court ordered Plaintiff to file a first amended complaint no later than August 31, 2017. *Id.* at 2.

To date, Plaintiff has not filed an amended complaint. Plaintiff is, therefore, ordered to file her amended complaint on or before **October 4, 2017**, and respond to this order to show cause by explaining why she did not timely file an amended complaint and why this case should not be dismissed for failure to prosecute. The first amended complaint and the response to the order to show cause should be filed separately. Failure to file both documents by the deadline may result in the case being dismissed for failure to prosecute.

In amending her complaint, Plaintiff may wish to consult a manual the court has adopted to assist pro se litigants in presenting their case. This manual, and other free information for pro se litigants, is available online at: <http://cand.uscourts.gov/proselitigants>. Plaintiff may also wish to make an appointment with the Federal Pro Bono Project’s Help Desk—a free service for pro se litigants—by calling (415) 782-8982. The Help Desk does make phone appointments, so Plaintiff being out-of-state does not prevent her from using this service. While the Help Desk will not represent her, a licensed attorney may assist Plaintiff in determining whether she has a viable

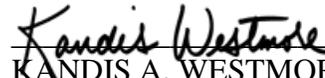
1 claim against Facebook. If no viable claim exists, Plaintiff should file a voluntary dismissal in
2 lieu of an amended complaint, also by September 29, 2017.

3 Plaintiff should be aware that an amended complaint will supersede or replace the original
4 complaint, and the original complaint will thereafter be treated as nonexistent. *Armstrong v. Davis*,
5 275 F.3d 849, 878 n.40 (9th Cir. 2001), abrogated on other grounds by *Johnson v. Cal.*, 543 U.S.
6 499 (2005). The first amended complaint must, therefore, be complete, in itself, without reference
7 to the prior or superseded pleading, as “[a]ll causes of action alleged in an original complaint
8 which are not alleged in an amended complaint are waived.” *King v. Atiyeh*, 814 F.2d 565, 567
9 (9th Cir. 1987) (citations omitted).

10 Additionally, the October 3, 2017 case management conference is continued to December
11 5, 2017. Case management conference statements are due on or before November 28, 2017.

12 IT IS SO ORDERED.

13 Dated: September 8, 2017

14 
KANDIS A. WESTMORE
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26
27
28