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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDWARD WALLACE,

Plaintiff,

v.

AMERICAN HONDA FINANCE  
CORPORATION,

Defendant.

Case No. [4:18-cv-05445-KAW](#)**SECOND ORDER TO SHOW CAUSE;  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

On September 5, 2018, Plaintiff Edward Wallace filed this case against Defendant American Honda Finance Corporation. (Dkt. No. 1.) Plaintiff also moved to proceed *in forma pauperis* ("IFP Application"). (Dkt. No. 2.) On September 14, 2018, the Court granted Plaintiff's IFP Application. (Dkt. No. 6.) Pursuant to 28 U.S.C. § 1915(e)(2), the Court then screened Plaintiff's complaint and found it deficient, finding that Plaintiff had failed to set forth a "short and plain statement of the claim showing that the pleader is entitled to relief" and that Plaintiff had failed to establish diversity jurisdiction. (Dkt. No. 7 at 1, 3 (quoting Fed. R. Civ. P. 8).) The Court ordered Plaintiff to file an amended complaint that provided the legal and factual basis for all claims by November 20, 2018. (*Id.* at 4.) The Court warned that failure to do so would result in the case being reassigned to a district judge with the recommendation that the case be dismissed. (*Id.*)

On December 10, 2018, the Court issued an order to show cause why the Court should not recommend that Plaintiff's case be dismissed for failure to prosecute based on the failure to file the amended complaint. Plaintiff was ordered to respond by December 28, 2018. To date, Plaintiff has not filed his amended complaint nor has he responded to the order to show cause.

Accordingly, the Court ORDERS Plaintiff to show cause, by **February 22, 2019**, why the

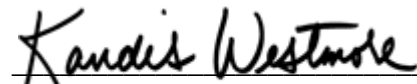
1 Plaintiff's case should not be dismissed for failure to prosecute, and why he did not file the  
2 amended complaint by December 28, 2018. Additionally, Plaintiff shall file his first amended  
3 complaint. Failure to respond to the second order to show cause and file the first amended  
4 complaint by the deadline **will** result in the Court reassigning the case to a district judge with the  
5 recommendation that the case be dismissed.

6 Again, Plaintiff may wish to contact the Federal Pro Bono Project's Help Desk for  
7 assistance—a free service for pro se litigants—by calling (415) 782-8982 to make an appointment.  
8 Plaintiff may also wish to consult the manual the court has adopted to assist pro se litigants in  
9 presenting their case. This manual, and other free information for pro se litigants, is available  
10 online at: <http://cand.uscourts.gov/proselitigants>.

11 Additionally, the case management conference scheduled for March 5, 2019 is continued  
12 to **May 14, 2019**. Case management conference statements are due on or before May 7, 2019.

13 IT IS SO ORDERED.

14 Dated: January 30, 2019

  
KANDIS A. WESTMORE  
United States Magistrate Judge