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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIARITA ACOSTA, et al.,
Plaintiffs,
v.
CITY OF SALINAS,
Defendant.Case No. [15-cv-05415 NC](#)**ORDER TO SHOW CAUSE WHY
PLAINTIFFS' COMPLAINT
SHOULD NOT BE DISMISSED
WITH PREJUDICE**

Re: Dkt. No. 1

This case is about a group of homeless individuals' effort to stop the City of Salinas from conducting cleanup sweeps of a homeless encampment in its Chinatown neighborhood. Because Plaintiffs' complaint has been rendered moot and Plaintiffs have missed the deadlines for filing an amended complaint, the Court orders Plaintiffs to show cause why their complaint should not be dismissed with prejudice and the case closed. Plaintiffs have until May 11, 2016, to show cause why judgment should not be entered against them.

Plaintiffs' original complaint, filed on November 24, 2015, seeks to enjoin the City of Salinas from implementing city ordinance number 2564, which Plaintiffs allege authorizes the City to seize, store, and destroy "personal property belonging to homeless individuals living without shelter in the City of Salinas." Dkt. No. 1 at 8.

However, Judge Koh denied Plaintiffs' motion for a preliminary injunction against Ordinance 2564 as moot in light of the City's action replacing Ordinance 2564 with Case No. [15-cv-05415 NC](#)

1 Ordinance 2567. Dkt. No. 45 at 6.

2 Plaintiffs were instructed to provide to the City a proposed amended complaint by
3 April 7, 2016. Dkt. 53 at 2. The City had until April 14, 2016, to respond to Plaintiffs as
4 to whether Defendant would stipulate to the filing of Plaintiffs' proposed amended
5 complaint. If Defendant declined to so stipulate, Plaintiffs were required file a motion for
6 leave to amend the complaint by April 21, 2016. In its last order denying Plaintiffs' fourth
7 motion for a temporary restraining order, the Court stated, "Plaintiffs have until April 21,
8 2016, to file a motion for leave to amend the complaint, but they are warned that they must
9 either show that they provided the City a proposed amended complaint by April 7, 2016, or
10 show good cause to amend given their apparent failure to follow the procedure for the
11 parties to agree on an amended complaint." Dkt. No. 91 at 15. Plaintiffs failed to file any
12 motion or amended complaint by April 21. Dkt. No. 82 at 3.

13 Accordingly, Plaintiffs are now ordered to show cause by May 11, 2016, why their
14 complaint, which seeks to enjoin the implementation of a city ordinance that is no longer
15 operative, should not be dismissed with prejudice.

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17 **IT IS SO ORDERED.**

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19 Dated: April 29, 2016



NATHANAEL M. COUSINS
United States Magistrate Judge

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