

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

STEPHANIE CROYDER,)
v.)
Plaintiff,)
BLITT & GAINES, P.C. and)
DAVID OLEFSKY,)
Defendants.)
Case No. 16-2761-JAR

SECOND NOTICE AND ORDER TO SHOW CAUSE

TO THE PLAINTIFF, Stephanie Croyder:

The undersigned U.S. Magistrate Judge, James P. O'Hara, issues this notice to warn plaintiff that her case will likely be dismissed if she does not take action in it very soon.

Plaintiff filed her complaint on November 10, 2016. On January 23, 2017, plaintiff requested leave to file a first amended complaint, which the presiding U.S. District Judge, Julie A. Robinson, granted on July 11, 2017.¹ Judge Robinson set a deadline of July 28, 2017, for plaintiff to file the first amended complaint.² After plaintiff failed to file the first amended complaint, the undersigned U.S. Magistrate Judge, James P. O'Hara, issued an

¹See ECF No. 25 at 9 (referencing Exhibit 1 to ECF No. 23).

²*Id.* Even though the first amended complaint was attached as an exhibit to plaintiff's response to a motion to dismiss, ECF No. 23-1, Judge Robinson directed plaintiff to file it as a stand-alone document.

order directing plaintiff to show cause by September 21, 2017, why the case should not be dismissed, with prejudice, for lack of prosecution under Fed. R. Civ. P. 41(b). Plaintiff did not file a response to the show-cause order. In addition, plaintiff did not appear at the scheduling conference held on September 25, 2017. In short, plaintiff has taken no action in this case since January 2017—eight months ago.

Therefore, the court orders plaintiff to appear for a show cause hearing on **October 23, 2017, at 9:00 a.m.** in the U.S. Courthouse, Courtroom 223, Kansas City, Kansas. By that same date, plaintiff is ordered to file her amended complaint. Plaintiff should be aware that this is the **last warning** the undersigned will issue. Should plaintiff fail to file her amended complaint or appear at the show cause hearing, the undersigned will recommend dismissal of the case, with prejudice, for lack of prosecution under Fed. R. Civ. P. 41(b).

The clerk is directed to mail a copy of this notice and order to plaintiff via certified mail.

IT IS SO ORDERED.

Dated September 25, 2017, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U. S. Magistrate Judge