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## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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RICARDO DELACRUZ CABUGAWAN,

Plaintiff,

v.

MONICA DANA, HR BUSINESS  
PARTNER,

Defendant.

Case No. 3:24-cv-00251-MMD-CSD

ORDER

*Pro se* Plaintiff Ricardo Delacruz Cabugawan attempted to sue an HR Business Partner, Defendant Monica Dana, at his former employer Panasonic, for race, age, and disability discrimination. (ECF No. 5 (“FAC”).) The Court adopted the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 6), dismissing some of Cabugawan’s proposed claims with prejudice, but granting him leave to amend his ADA claim against a proper defendant, specifically, Panasonic (ECF No. 7). The Court also warned him in that order that any Second Amended Complaint (“SAC”) he filed “must be complete in and of itself without referring or incorporating by reference any previous complaint. Any allegations, parties, or requests for relief from a prior complaint that are not carried forward in the SAC will no longer be before the Court.” (ECF No. 7 at 2.)

Cabugawan filed a SAC, but in it, he does not name Panasonic as the defendant for his ADA claim, nor does he include any proposed claims, or any allegations that could plausibly support them. (ECF No. 8.) This does not comply with the Court’s prior order adopting the R&R (ECF No. 7) or respond to any of the guidance offered in the R&R (ECF No. 6). The Court may dismiss a case for noncompliance with a Court order giving an opportunity to amend. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)

1 (affirming dismissal for failure to comply with an order requiring amendment of complaint).  
2 The Court will accordingly give Cabugawan one more chance to file a Third Amended  
3 Complaint (“TAC”) that names a proper defendant, includes a proposed ADA claim, and  
4 includes sufficient factual allegations describing and supporting that claim. (See ECF Nos.  
5 6, 7.)

6 It is therefore ordered that Cabugawan must file any TAC consistent with this order  
7 within 30 days. As a reminder, any TAC must be complete in and of itself without referring  
8 or incorporating by reference any previous complaint. Any allegations, parties, or requests  
9 for relief from a prior complaint that are not carried forward in the TAC will no longer be  
10 before the Court.

11 It is further ordered that Cabugawan must clearly title his TAC, if he files one, “Third  
12 Amended Complaint.”

13 It is further ordered that, if Cabugawan does not file a TAC within 30 days  
14 consistent with this order, the Court will dismiss this case, in its entirety, with prejudice,  
15 and without further advance notice to Cabugawan—because the Court has already given  
16 him an opportunity to amend and the SAC he filed did not comply with the Court’s prior  
17 order.

18 DATED THIS 25<sup>th</sup> Day of November 2024.

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MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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