

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES – GENERAL

Case No. 8:24-cv-00584-DOC-DFM Date May 17, 2024  
Title Jesus Eric Carasco v. E. Martin Estrada et al

Present: The Honorable DAVID O. CARTER, U.S. DISTRICT JUDGE

Karlen Dubon None Present  
Deputy Clerk Court Reporter / Recorder Tape No.  
Attorneys Present for Plaintiffs: Attorneys Present for Defendants:  
None Present None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION**

The Court, on its own motion, hereby ORDERS the plaintiff to show cause in writing why this action should not be dismissed for lack of prosecution. As an alternative to a written response, the Court will consider one of the following, as an appropriate response to this OSC, on or before **June 15, 2024**:

Initial partial filing fee of \$95.76 pursuant to the Court’s March 27, 2024 order (Dkt. 8) attached herein.

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 90 days after the filing of the complaint. Fed. R. Civ. P. 4 (m). The Court may dismiss the action prior to the expiration of such time, however, if plaintiffs have not diligently prosecuted the action.

It is plaintiff’s responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiffs must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 8.3.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiffs is due.

Initials of Deputy Clerk           -          :          -            
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

INMATE #: _____  Jesus Eric Carasco	CASE NUMBER  8:24-cv-00584-DOC-DFMx
v. PLAINTIFF(S)  E. Martin Estrada et al  DEFENDANT(S)	<b>ORDER ON REQUEST TO PROCEED WITHOUT PREPAYMENT OF FILING FEES (PRISONER NON-HABEAS CASE)</b>

The Court has reviewed the Request to Proceed Without Prepayment of Filing Fees (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that Plaintiff:

- is not able to prepay the full filing fee.  is able to prepay the full filing fee.  
 has not submitted enough information for the Court to tell if Plaintiff is able to prepay the full filing fee. This is what is missing:

a certified copy of a trust fund statement for the last six months.

IT IS THEREFORE ORDERED that:

- The Request is **GRANTED**. Plaintiff now owes the Court the total filing fee of \$350.00. An initial partial filing fee of \$95.76 is due immediately; this case may be dismissed if that amount is not received by the Court within 30 days. Thereafter, monthly payments must be forwarded to the Court as provided in 28 U.S.C. § 1915(b)(2).
- Ruling on the Request is **POSTPONED** for 30 days so that Plaintiff has the opportunity to provide:
- the missing information identified above.
  - authorization to disburse funds from the prison trust account.
- If Plaintiff does not provide the information or authorization within 30 days, this case may be **DISMISSED** without prejudice.
- The Request is **DENIED** because:
- Plaintiff has the ability to prepay the full filing fee.
  - As explained in the attached statement:
    - Plaintiff has three prior "strikes" but has not plausibly alleged that Plaintiff is in imminent danger of serious physical injury fairly traceable to unlawful conduct alleged in the complaint and redressable by the Court.
    - The District Court lacks subject matter jurisdiction.
    - The action is frivolous or malicious.
    - The action fails to state a claim upon which relief may be granted.
    - The action seeks monetary relief against defendant(s) immune from such relief.

IT IS FURTHER ORDERED that:

- Within 30 days of the date of this Order, Plaintiff must do the following:

If Plaintiff does not comply with these instructions within 30 days, this case will be **DISMISSED** without prejudice.

- As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby **DISMISSED**  WITHOUT PREJUDICE  WITH PREJUDICE.

March 27, 2024

Date

*David O. Carter*  
United States District Judge