UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JACOB WINDING,

Plaintiff,

v.

LANDSAFE DEFAULT, INC., et al.,

Defendants.

No. 2:15-cv-01974 KJM AC

ORDER AND ORDER TO SHOW CAUSE

This matter is before the undersigned pursuant to Local Rule 302(c)(21). Presently, the undersigned's findings and recommendations that this action be dismissed are pending.

On November 24, 2015, the court ordered plaintiff to show cause why this action should not be dismissed for failure to prosecute because plaintiff had failed to oppose defendants' motions to dismiss. ECF No. 52. On January 4, 2016, having received no response from plaintiff, the court issued findings recommending that this action be dismissed without prejudice. ECF No. 53. Then, on January 19, 2016, plaintiff filed a motion for a ninety day extension of time in order to find counsel.[1] ECF No. 54. That motion was improperly noticed in front of the presiding district judge, who on January 20, 2016 issued a minute order instructing plaintiff to re-notice the motion before the undersigned. ECF No. 55. Plaintiff has yet to re-notice his motion.

[1] It is unclear, based on plaintiff's motion, what deadline he is seeking an extension of exactly.

In light of plaintiff's filing of a motion for extension of time, the court will vacate its previous findings recommending that this action be dismissed for failure to prosecute. Nevertheless, plaintiff failed to re-notice his motion before the undersigned as instructed by the presiding district judge. Accordingly, the court will issue a second order to show cause for failure to prosecute under Federal Rule 41(b), this time due to plaintiff's failure to re-notice his motion in accordance with the court's order.

In accordance with the foregoing, IT IS HEREBY ORDERED that:

1. The court's January 4, 2016, findings and recommendations, ECF No. 53, are VACATED; and
2. Plaintiff shall show cause in writing within fourteen (14) days of the date of this order why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

DATED: February 23, 2016

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE