

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 12-822 DSF (OPx)

Date 6/20/12

Title Charles H. Thomas, et al. v. Fedex Freight, Inc., et al.

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order to Show Cause re Dismissal for Lack of Subject Matter Jurisdiction and for Sanctions

On February 28, 2012, this Court issued the following order:

Plaintiff alleges a violation of the Surface Transportation Assistance Act, 49 U.S.C. § 31105. However, he does not allege that he filed a complaint before the Secretary of Labor and the Secretary failed to issue a final decision within 210 days. See 49 U.S.C. § 31105 (c); see also 49 U.S.C. § 31105(d) (petition for judicial review of Secretary's decisions to be filed in Court of Appeals).

Therefore, Plaintiff is ordered to show cause, in writing, by March 9, 2012 why this claim should not be dismissed for lack of subject matter jurisdiction. See Mattingly v. Heartland Express, Inc., 2011 WL 886170, *3-4 (N.D. Ind. 2011); Rose v. Anderson Hay and Grain Co., 2010 WL 3211948, *1 (E.D. Wash. 2010).

IT IS SO ORDERED.

No response has been received. Plaintiff's counsel is ordered to respond by June 27, 2012 and to show cause why counsel should not be sanctioned in the amount of \$250 for willful failure to comply with this Court's order.