

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:15-CV-01079-FMO-KLS	Date	August 13, 2015
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Title	Sarah Diane Slice v. City of Glendale et al
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Present: The Honorable	Karen L. Stevenson
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Roxanne Horan-Walker	n/a
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
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None present	None present
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Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

This is a pro se civil rights action that the Court recently transferred to Judge Stevenson's docket. Plaintiff filed a complaint in February 2015 alleging that City of Glendale police falsely arrested her in January 2014. (Docket # 1.)

In June 2015, the Court issued an Order to Show Cause re: Dismissal ("OSC") for failure to effectuate service of the summons and complaint within the time frame required under Rule 4(m) of the Federal Rules of Civil Procedure. (Docket #6.) The Court also ordered Plaintiff to file a response to the OSC by July 13, 2015. Plaintiff has not filed a response to the OSC or otherwise attempted to communicate with the Court regarding her case.

On July 6, 2015, the defense filed a filed a motion to dismiss this civil rights action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure with a hearing date set for August 18, 2015. (Docket #7.) Under Local Rule 7-9, Plaintiff's response to the motion was due not later than twenty-one (21) days before the date designated for the hearing of the motion. In this case, the deadline would have been July 29, 2015. The Rule 7-9 deadline passed without any action by Plaintiff.

A pro se litigant "is subject to the same rules of procedure and evidence" as other parties "who are represented by counsel." United States v. Merrill, 746 F.2d 458, 465 (9th Cir. 1984). Local Rule 7-12 states that a party's failure to file a required document such as an opposition to a motion "may be deemed consent to the granting [] of the motion." On that basis, the Court could properly deem the motion unopposed and recommend dismissal of the action. However, in the interests of justice, the Court has vacated the hearing date (Docket # 11) and will give Plaintiff one final opportunity to respond to the motion and participate in the action that she initiated.

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Therefore, **by or before September 3, 2015**, Plaintiff is ORDERED to show cause why judgment should not be entered in favor of the defense and the action dismissed under Local Rule 7-12 and Federal Rule of Civil Procedure 41 for failure to prosecute the case. Plaintiff's response to this OSC must include: (a) a sworn declaration (not to exceed 3 pages) explaining the reasons why Plaintiff failed to timely respond to the motion; and (b) a complete and detailed response (in a manner fully complying with the Local Rules) to the motion itself. **The Court will not extend this deadline but for extraordinary cause shown.**

Alternatively, Plaintiff may request the voluntary dismissal of the action with no further consequence.

Plaintiff is expressly cautioned that her failure to respond to this order will lead the Court to conclude that the motion is unopposed and may result in the dismissal of this action pursuant to Rules 12 and 41 of the Federal Rules of Civil Procedure, and Local Rule 41-1.