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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
3470 Twelfth Street, Riverside, CA 92501
CIVIL MINUTES -- GENERAL

Case No. EDCV 08-00362-SGL(OPx) Date: November 25, 2008

Title: ALEJANDRO CASTRO OROZCO -*v*- CITY OF MORENO VALLEY, OFFICER ECKENRODE (BADGE NO. 3783); RICK HALL and DOES 1 to 10

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes Courtroom Deputy Clerk	None Present Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:	ATTORNEYS PRESENT FOR DEFENDANTS:
None present	None present

PROCEEDINGS: ORDER DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE

On September 22, 2008, a scheduling conference was scheduled for hearing before the Court in this matter. Plaintiff, who was proceeding pro se at that point and who had been advised by his former counsel that he was required to personally attend the hearing, did not appear.

The Court issued an Order to Show Cause ("OSC") to plaintiff for why his complaint should not be dismissed for failure to prosecute and set the matter for a hearing on September 29, 2008. The OSC warned plaintiff that his failure to attend the September 29th hearing would "result in dismissal of the current action." On September 29, 2008, plaintiff appeared for the OSC hearing and informed the Court that he had been "misled" by his former counsel as to which courthouse he was supposed to go to on September 22nd (plaintiff instead being directed to the Superior Court in Los Angeles). Plaintiff then asked the Court for a period of time to retain new counsel to represent him in this matter. The Court continued the scheduling conference in this case to November 24, 2008, and warned plaintiff that "at that time . . . you'll either have an attorney or you'll proceed pro se." In the minute order that followed, the Court made clear that the discharge of the OSC was conditioned on plaintiff (or his newly retained counsel) meeting and conferring with defense counsel for preparation for the November 24 scheduling conference and with plaintiff (or his newly retained counsel's) appearance at the November 24 scheduling conference.

The Court SETS a scheduling conference for November 24,

> 2008, at 10:00 a.m. Plaintiff shall give a copy of this Order to his new counsel, and counsel shall meet and confer with defense counsel in advance of the scheduling conference. If plaintiff is unable to retain new counsel, he is ORDERED TO APPEAR in person at the hearing.

At the November 24, 2008, scheduled hearing no appearance was made by or on behalf of plaintiff. Moreover, nothing in the docket for this case shows or otherwise indicates that plaintiff has retained counsel to represent him in this case.

Given plaintiff's failure to satisfy the conditions placed on satisfying the discharge of the prior OSC the terms of the OSC remain operative and unsatisfied. Accordingly, plaintiff has yet to appear at two previously noticed scheduling conference hearings at which he was ordered to personally attend and this repeated failure to meet his obligations in this case, the Court hereby **DISMISSES** the present complaint without prejudice for failure to prosecute.

IT IS SO ORDERED.