
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 8:17-cv-02037-JLS-JDE

Date: January 11, 2018

Title: Leticia Pina v. Columbus Capital Lending, LLC

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER (1) FOR PLAINTIFF TO SHOW CAUSE RE DISMISSAL FOR FAILURE TO COMPLY WITH LOCAL RULES; (2) VACATING HEARING ON DEFENDANT’S MOTION TO DISMISS (Doc. 6); AND (3) VACATING SCHEDULING CONFERENCE

Before the Court is a Motion to Dismiss filed by Defendant Columbus Capital Lending. (Mot., Doc. 6.) For the following reasons, Plaintiff is ORDERED to show cause why this case should not be dismissed for Plaintiff’s failure to comply with this Court’s Local Rules. Further, the hearing on Defendant’s Motion set for January 12, 2018, at 2:30p.m. VACATED. The parties’ scheduling conference set for January 26, 2018 at 1:30p.m. is also VACATED.

Pursuant to Local Rule 83-2.4, if a pro se party changes the address for which she is registered to receive service of process, she must notify the Clerk of Court within five days of the change. C.D. Cal. R. 83-2.4. Plaintiff Leticia Pina is a pro se litigant. On November 30, 2017, the Court issued its Order Setting Scheduling Conference, and the Clerk of Court sent notice of the filing by U.S. Mail to Plaintiff’s registered address. (See Doc. 9.) On December 22, 2017, the notice was returned to the Court as undeliverable, no forwarding address provided. (*Id.*)

In contravention of Local Rule 83-2.4, it appears that Plaintiff has failed to notify the Clerk of Court of her change of address. Failure to follow a district court’s local rules

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is a proper ground for dismissal. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Accordingly, the Court on its own motion ORDERS Plaintiff to show cause, in writing, why this case should not be dismissed for her failure to comply with Local Rule 83-2.4. Alternatively, Plaintiff may respond by filing a notice of her current address. Plaintiff is ORDERED to respond within **fourteen (14) days** of entry of this Order.

Separately, Local Rule 5-3.2.1 provides that individuals who are not registered to receive service through the Court's CM/ECF electronic filing system must be served in accordance with Federal Rule of Civil Procedure 5. C.D. Cal. R. 5-3.2.1. The moving party must then file a proof of service in the form of a declaration. *Id.* Plaintiff is not registered to receive service of process electronically through ECF, and Defendant did not file a proof of service when it filed its Motion. However, the Court recognizes that notice of the Motion cannot be properly served under Rule 5, which provides that service may be accomplished by mail, until Plaintiff has provided a current address. Fed. R. Civ. Pro. 5 (b)(2)(C). Accordingly, Defendant need not take any action until Plaintiff has responded to this OSC, and the Court has discharged it. At that time, the Court will order Defendant to serve Plaintiff with notice of its Motion, and the hearing date may be reset once Defendant has filed an adequate proof of service.

For the foregoing reasons, the dates for the hearing on Defendant's Motion to Dismiss and for the parties' Scheduling Conference are VACATED. Plaintiff is ORDERED to file a response within **fourteen (14) days** of entry of this Order. **Failure to do so will result in dismissal of this action.** To the extent that Defendant has been communicating with Plaintiff via email, it is ORDERED to provide a copy of this Order via email to Plaintiff forthwith and to file a declaration within **five (5) days** of this Order confirming that it has done so.

Initials of Preparer: tg