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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL ROWE,
Plaintiff,
vs.
MONTOYA, et al.
Defendants.

No. 1:07-CV-272-CKJ

ORDER

On January 5, 2009, this Court ordered:

Parties and counsel shall file a **Joint Proposed Pretrial Order** within **thirty (30) days after resolution of the dispositive motions** filed after the end of discovery. If no such motions are filed, a Joint Proposed Pretrial Order will be due on or before **August 31, 2009**. The content of the proposed pretrial order shall include, but not be limited to, that prescribed in the **Form of Pretrial Order** attached hereto. If the parties and counsel are unable to prepare a joint proposed pretrial order, a separate proposed pretrial order shall be submitted to the Court accompanied by a statement why the preparation of the joint proposed pretrial order could not be completed through written correspondence.

January 5, 2009, Order, p. 4. That Order further stated:

The parties should note that willful failure to comply with *any* of the terms of this Order, the Federal Rules of Civil Procedure or other applicable rules may result in dismissal of this action without further notice to Plaintiff, or sanctions upon Defendants. *Ferdik v. Bonzelet*, 963 F.2d 1258 (9th Cir. 1992), *cert. denied*, 506 U.S. 915 (1992). Plaintiff is cautioned to comply with all applicable rules of civil procedure; his *pro se* status will not excuse his noncompliance. *King v. Atiyeh*, 814 F.2d 565 (9th Cir. 1987).

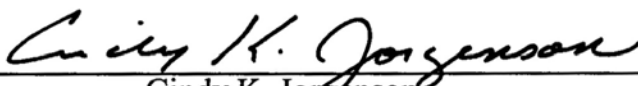
Id., at p. 5. As of this date, no dispositive motion, request for extension of time, Joint

1 Proposed Pretrial Order, or separate Proposed Pretrial Order has been filed.¹

2 Accordingly, IT IS ORDERED Plaintiff is hereby **ORDERED TO SHOW CAUSE**
3 why this case should not be **DISMISSED WITHOUT PREJUDICE** as to all Defendants
4 for failure to prosecute and/or failure to comply with the Orders of the Court by filing a
5 writing with this Court **on or before October 5, 2009**.

6 DATED this 3rd day of September, 2009.

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Cindy K. Jorgenson
United States District Judge

27 ¹The Court notes that Defendants have also not filed a separate proposed pretrial
28 order. In the event Plaintiff shows cause why this case should not be dismissed, the Court
will address Defendants' failure to comply with the Court's Order.