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

DON ROSE,)	1:08-cv-606 AWI JLT
)	
Plaintiff,)	
)	ORDER TO SHOW CAUSE
v.)	
)	
SAMUEL ABRAHAM, et al.,)	
)	
Defendants.)	

This case was filed on May 1, 2008. Entries of default have been made in this case against all defendants except for Roger Fontaine, who has been served but not answered or otherwise appeared. On March 11, 2011, the Court sanctioned Defendant Steven Duce by striking his answer and directing the Clerk to enter default against him. The Court then vacated the trial and pre-trial conference dates. See Court’s Docket Doc. No. 93. The Court noted that Plaintiff would have the opportunity to obtain default judgments against the defendants. See id. An entry of default against Defendant Steven Duce was entered as a sanction on March 11, 2011.

After March 11, 2011, the only filings by Plaintiff were a return of execution of summons on May 5, 2011, and a return of execution of summons on May 6, 2011. Nearly four months have lapsed since Plaintiff’s last filing, and nearly six months have lapsed since the Court’s March 11 order. Despite this lapse of time, the Court does not see that Plaintiff has done anything to progress this case. In other words, this case is over three years old and has been at a stand still for months.

1 Given the state of the docket and the lapse in activity by Plaintiff, the Court believes that
2 Plaintiff should show cause in writing why this case should not be dismissed for lack of
3 prosecution. See Fed. R. Civ. Pro. 41(b); Henderson v. Duncan, 779 F.2d 1421 (9th Cir. 1986).

4
5 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall show cause in writing on or
6 by 3:00 p.m. September 9, 2011, why this case should not be dismissed for lack of prosecution.

7
8 IT IS SO ORDERED.

9 Dated: September 2, 2011



CHIEF UNITED STATES DISTRICT JUDGE