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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
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7 NORMAN IVORY,

8 Plaintiff,

9 vs.

10 CORRECTIONAL OFFICER S. MERAZ,

11 Defendant.

1:09-cv-01272-GSA-PC

ORDER TO SHOW CAUSE

Telephonic Hearing:

October 3, 2013, at 9:30 a.m.  
Courtroom 10 (GSA)

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13 **ORDER FOR PLAINTIFF TO SHOW CAUSE**

14 Norman Ivory ("Plaintiff") is a state prisoner proceeding pro se in a civil rights action  
15 pursuant to 42 U.S.C. § 1983. All parties to this action have voluntarily consented to the  
16 jurisdiction of Magistrate Judge Gary S. Austin, and on September 25, 2013, the case was  
17 assigned to Magistrate Judge Gary S. Austin for all intents and purposes, within the meaning of  
18 28 U.S.C. § 636(c), to conduct any and all further proceedings in the case, including the trial  
19 and entry of final judgment. (Doc. 156.) This case is scheduled for trial on October 22, 2013  
20 at 8:30 a.m. before Magistrate Judge Gary S. Austin.

21 On September 23, 2013, the court issued a minute order scheduling a telephonic status  
22 conference for the parties to this case on September 26, 2013, at 10:30 a.m., before Magistrate  
23 Judge Gary S. Austin. (Doc. 155.) The Court is aware that Plaintiff was not properly served  
24 with notice of this hearing, however the hearing went ahead as scheduled with the hope that the  
25 defendant's attorney would be able to arrange for Plaintiff's participation. At the hearing  
26 California Deputy Attorney General (DAG) David E. Brice and DAG David C. Goodwin  
27 appeared on behalf of Defendant Meraz. Plaintiff, who is proceeding pro se, did not appear  
28 notwithstanding that attempts by defense counsel to gain his appearance were made.

1 Defense Counsel, prior to the September 26<sup>th</sup> hearing, informed the Court that Plaintiff  
2 had been released from State prison custody and was no longer incarcerated at High Desert  
3 State Prison. Pursuant to Local Rule 183, “[a] party appearing in propria persona shall keep the  
4 Court and opposing parties advised as to his or her current address.” L.R. 183(a). Plaintiff has  
5 not filed a notice of change of address providing the court with his current address. Thus,  
6 Plaintiff has failed to comply with Local Rule 183(a).

7 Plaintiff is ordered to show cause why this case should not be dismissed, with prejudice,  
8 for Plaintiff’s failure to comply with Local Rule 183(a). The parties are therefore ordered to  
9 appear telephonically on October 3, 2013, at 9:30 a.m., before Magistrate Judge Gary S.  
10 Austin, in Courtroom 10. The Court will deliver this notice to both the address of record the  
11 Court has on file for Plaintiff, as well to the address supplied to the court by Defendant’s  
12 attorney who believes that this address may be where Plaintiff is currently receiving mail.

13 Based on the foregoing, IT IS HEREBY ORDERED that:

14 1. The parties shall appear at a telephonic hearing on October 3, 2013, at 9:30 a.m.,  
15 before Magistrate Judge Gary S. Austin, in Courtroom 10;

16 2. Defense counsel shall coordinate a one-line conference call with Plaintiff prior  
17 to calling chambers at (559) 499-5960;

18 3. Plaintiff is ordered to show cause at the hearing why this case should not be  
19 dismissed, with prejudice, for his failure to comply with Local Rule 183(a);

20 4. The Clerk is directed to serve Plaintiff with copies of this order at the following  
21 two addresses:

22 (1) Norman Ivory  
23 T-83317  
24 High Desert State Prison  
25 P.O. Box 3030  
26 Susanville, CA 96127-3030

27 and

28 (2) Norman Ivory  
470 E. Third Street, Suite C  
Los Angeles, CA 90013

1 5. Plaintiff's failure to comply with this order shall result in the dismissal of this action,  
2 with prejudice.

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6 IT IS SO ORDERED.

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8 Dated: September 26, 2013

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE