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

DEREK BARBOZA,

Plaintiff,

vs.

T. BILLINGS,

Defendant.

1:09-cv-01568-GSA (PC)

ORDER TO FILE CONSENT OR DECLINE
FORM OR SHOW CAUSE WHY THIS
ACTION SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE

(Docs. 3 and 5)

THIRTY DAY DEADLINE

_____ /

On September 9, 2009, the Court ordered Plaintiff to either consent to or decline Magistrate Judge jurisdiction within thirty days. Plaintiff failed to comply, and on October 26, 2009, the Court issued a second order requiring Plaintiff to file a response within thirty days. More than thirty days have passed, and plaintiff has not complied with or otherwise responded to the Court’s orders.

Local Rule 110 provides that “failure of counsel or of a party to comply with these Local Rules or with any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Further, the failure of Plaintiff to prosecute this action is grounds for dismissal. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006).

Accordingly, it is HEREBY ORDERED that within **thirty (30) days** from the date of service of this order, plaintiff shall either (1) complete and return the Order Re Consent or

1 Request for Reassignment, a copy of which is attached hereto, or (2) show cause in writing why this
2 action should not be dismissed for failure to prosecute.

3 **The failure to respond to this order will result in dismissal of this action, without**
4 **prejudice.**

5
6 IT IS SO ORDERED.

7 **Dated: December 21, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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