

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WALTER RAPALO,

Plaintiff,

v.

S. LOPEZ, et al.,

Defendants.

CASE NO. 1:11-cv-01695-LJO-BAM PC

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

(ECF Nos. 3, 7)

/ TWENTY DAY DEADLINE

Plaintiff Walter Rapalo is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On October 12, 2011, the Court ordered Plaintiff to either consent to or decline Magistrate Judge jurisdiction within thirty days. Plaintiff failed to comply, and on November 29, 2011, 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 **twenty (20) days** from the date of service of this order, Plaintiff shall either (1) complete and return the Order Re Consent or Request for Reassignment, a copy of which is attached hereto, or (2) show cause in writing why this action

1 should not be dismissed for failure to prosecute.

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

4           IT IS SO ORDERED.

5 **Dated: January 19, 2012**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28