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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADOLFO JUAREZ,
Plaintiff,
v.
LOWE HOME CENTERS, LLC, et al.,
Defendants.

Case No.: 1:19-cv-0801- DAD - JLT
ORDER DISCHARGING THE ORDER TO SHOW CAUSE TO THE DEFENSE ONLY
ORDER TO PLAINTIFF TO SHOW CAUSE WHY THE ACTION SHOULD NOT BE DISMISSED WITH PREJUDICE FOR FAILING TO COMPLY WITH THE COURT'S ORDERS

The parties reported they had settled the case. (Doc. 30) Consequently, the Court ordered the matter to be dismissed no later than September 25, 2020. (Doc. 31) When that failed to occur, on September 28, the Court ordered the parties to show cause why sanctions should not be imposed for their failure to comply with the Court's orders (Doc. 32).

The defense has filed a response and detailed how counsel repeated contacted the attorney for the plaintiff for information about the MediCal lien so it could be resolved as a part of the settlement. (Doc. 33) According to the defense, despite calling Mr. Johnson three times and emailing the draft settlement agreement three times, Mr. Johnson has not provided the MediCal lien information or responded in any fashion. Consequently, the Court DISCHARGES the order to show cause as to the defense.

However, because the plaintiff has failed to respond, he gives the Court no choice but to recommend the action be dismissed with prejudice. Before doing so, the Court will provide the plaintiff one, final opportunity to explain why that should not occur. Either the plaintiff will

1 respond with a declaration of counsel, offering specific supporting evidence, explaining why he
2 has failed to dismiss this action, or the Court will recommend that it be dismissed. Thus, the Court

3 **ORDERS:**

4 1. **No later than October 19, 2020**, the plaintiff **SHALL** respond to the Court's order
5 to show cause (Doc. 31). The response **SHALL** be in the form of a sworn declaration and it
6 **SHALL** be supported by admissible evidence supporting they explanations set forth in a
7 declaration explaining the situation. Alternatively, the plaintiff may file a stipulation seeking
8 dismissal of the action no later than October 19, 2020.

9 **The plaintiff is advised that if he fails to comply, on October 20, 2020, the Court will**
10 **recommend that the action be dismissed with prejudice.**

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12 IT IS SO ORDERED.

13 Dated: **October 13, 2020**

14 **/s/ Jennifer L. Thurston**
15 UNITED STATES MAGISTRATE JUDGE
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