

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

GEORGETTE G. PURNELL,  
Plaintiff,  
v.  
N. HUNT,  
Defendant.

Case No.: 1:20-cv-01759-JLT-EPG  
ORDER DENYING MOTION TO RE-OPEN  
CASE  
(Doc. 19)

Georgette G. Purnell, proceeding *pro se* and *in forma pauperis*, commenced this civil-rights action by filing her complaint on December 11, 2020. (Doc. No. 1.) On January 12, 2021, the assigned magistrate judge entered a screening order, finding that plaintiff stated claims against Defendants Hunt, Luper, Garcia-Peralta, and Carter for excessive force in violation of the Fourth Amendment and failed to state any other claims. (Doc. No. 5.) The court ordered plaintiff to, file a first amended complaint, notify the court in writing she wanted to proceed only on the claims the court found cognizable, or notify the court in writing that she wanted to stand on her complaint within 30 days. (*Id.* at 11.) Plaintiff was warned that “Failure to comply with this order may result in the dismissal of this action.” (*Id.*) Plaintiff did not timely respond to that order.

On March 8, 2021, the magistrate judge ordered plaintiff to show cause, in writing,

1 indicating whether she intends to prosecute this action and explaining her failure to comply with  
2 the January 12, 2021 order. (Doc. No. 6.) The order to show cause stated, in bold, that “Plaintiff  
3 is cautioned that failure to respond to this Order as set forth above may result in the dismissal of  
4 this case.” (*Id.* at 2.) Plaintiff did not timely respond to the order to show cause.

5 On July 1, 2021, the magistrate judge issued findings and recommendations  
6 recommending that this action be dismissed due to plaintiff’s failure to complete service, failure  
7 to comply with a court order, and failure to prosecute. (Doc. No. 13.) Plaintiff was afforded  
8 fourteen (14) days to file objections thereto. (*Id.*) She again failed to timely respond. On July  
9 27, 2021, the undersigned adopted the findings and recommendations, and the case was  
10 dismissed. (Doc. No. 14.)

11 On July 29, 2021, the court received a document entitled “objections to findings and  
12 recommendations,” in which plaintiff asserts that she indeed forwarded service documents to the  
13 Clerk of the Court as ordered on May 4, 2021. (Doc. No. 15.) Plaintiff indicated in the July 29,  
14 2021 filing that “because I’m learning now [that] the court never received these documents. . . I  
15 am resubmitting them today. (*See Attached.*)” (*Id.* at 4.) However, no such documents were  
16 attached to plaintiff’s filing with the court. On August 3, 2021, the court issued an order stating  
17 that it would hold the pending objections in abeyance for an additional 14 days to “permit  
18 plaintiff to file any such attachments for the court’s review along with any documentation that  
19 demonstrates the documents were previously provided to the court in a timely manner.” (Doc.  
20 No. 17.) That deadline passed without plaintiff communicating with the court, so the undersigned  
21 dismissed the case.

22 On September 17, 2021, plaintiff filed a “motion to reopen” the case, to which she has  
23 attached numerous previously filed documents and what appears to be a service document. She  
24 offers no compelling explanations for her ongoing failure to monitor this case, including her  
25 failure to timely respond to the court’s August 3, 2021 order.

26 ///

27 ///

28 ///

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

Given plaintiff's repeated and largely unexplained failures to abide by court orders, the motion to re-open (Doc. No. 19) is DENIED. This case remains closed.

IT IS SO ORDERED.

Dated: January 9, 2022

  
UNITED STATES DISTRICT JUDGE