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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DEREK BOBO,

NO. CIV. 2:09-0753 WBS KJN

Plaintiff,

ORDER TO SHOW CAUSE

v.

JON SCOFIELD, SHAWN MORIN,
BRADLEY BURRELL, RICHARD
BUCKLEY, individually and in
their official capacity as
police officers, and Does 1
through 20,

Defendants.

_____ /

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Trial in this matter is set for April 12, 2011, at 9:00
a.m. in Courtroom No. 5. In its Final Pretrial Order dated
October 5, 2010 (Docket No. 29), the court set several dates by
which the parties should file pretrial materials. In particular,
the Order provided that: (1) the parties shall file a statement
designating answers to interrogatories and portions of
depositions intended to be offered or read into evidence no later


1 than twenty calendar days before the trial date (Final Pretrial
2 Order at 8:6-11); (2) the parties shall submit proposed jury voir
3 dire questions and trial briefs pursuant to Local Rule 285
4 (including any motions in limine) no later than fourteen days
5 before the trial date (id. at 4:5-7, 9-11); (3) plaintiff shall
6 lodge and serve copies of all requested jury instructions and a
7 proposed form of verdict no later than ten court days before the
8 trial date (id. at 2:26-3:3); and (4) the parties may file
9 counter-designations of other portions of the depositions
10 intended to be offered or read into evidence and may file
11 evidentiary objections to another party's designation (id. at
12 8:11-15).

13 The dates for each of these requirements to be
14 accomplished have passed, and the parties have failed to submit
15 any of the required items or inform the court of any reason for
16 their noncompliance. A plaintiff's failure to prosecute or
17 comply with the Federal Rules of Civil Procedure or a court order
18 constitutes grounds for dismissal of an action. Fed. R. Civ. P.
19 41(b); see also Paqtalunan v. Galaza, 291 F.3d 639, 642 (9th
20 Cir. 2002). The court will not summons a jury or expend the
21 additional resources necessary to ready this matter for trial if
22 plaintiff does not intend to try his case.

23 IT IS THEREFORE ORDERED that, within three days of the
24 date of this Order, plaintiff shall file a brief showing cause
25 why this action should not be dismissed for failure to prosecute.
26 Plaintiff is admonished that failure to comply with this Order
27 may result in dismissal of his First Amended Complaint with
28 prejudice.

1 DATED: April 4, 2011

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WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE