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

JERALD RANDALL,

Plaintiff,

No. 2: 09-cv-2765 KJM KJN P

vs.

M.D. McDONALD, et al.,

Defendants.

ORDER TO SHOW CAUSE

_____ /


Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is defendants’ May 1, 2012 motion to dismiss based on plaintiff’s failure to cooperate in discovery. In this motion, defendants also request monetary sanctions. On May 22, 2012, defendants’ counsel filed a declaration stating that the motion to dismiss served on plaintiff was returned unserved with the envelope marked, “RTS–Inmate Refused Chrono on File.”

Plaintiff is ordered to show cause why this action should not be dismissed based on his failure to prosecute this action based on his refusal to accept defendants’ motion to dismiss. Failure to respond to this order will result in a recommendation of dismissal of this action.

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1 Accordingly, IT IS HEREBY ORDERED that within fourteen days of the date of
2 this order, plaintiff shall show cause why this action should not be dismissed based on his failure
3 to prosecute this action based on his refusal to accept defendants' motion to dismiss.

4 DATED: May 23, 2012

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7 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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