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

UNITED STATES OF AMERICA,

Plaintiff,

No. CIV S-10-0652 LKK EFB PS

vs.

DANIEL E. THOMAS,

Defendant.

ORDER TO SHOW CAUSE

This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On March 19, 2010, the assigned district judge issued an order setting a status (pretrial scheduling) conference for May 24, 2010 and directing the parties to file a status report within fourteen days of the scheduled conference. Dckt. No. 3 at 3-5. On May 17, 2010, plaintiff filed a status report in accordance with the March 19 order; however, no such status report was filed by defendant.

In light of the referral of this action to the undersigned, the May 24 status conference was vacated by the district judge. Dckt. No. 10. On May 25, 2010, the undersigned issued an order directing defendant to file, on or before June 16, 2010, a status report addressing the issues

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1 raised in the district judge's March 19, 2010 order, Dckt. No. 3 at 3-5.¹ Dckt. No. 14. The order
2 admonished defendant that he must comply with the procedural rules and stated that "[f]ailing to
3 obey federal or local rules, or order of this court, may result in sanctions, including dismissal of
4 the action or the entry of default judgment against defendant." *Id.* (citing E.D. Cal. L.R. 110).

5 The court file reveals that defendant has not filed a status report, as required by the May
6 25, 2010 order. Therefore, defendant will be once again ordered to file a status report and will
7 also be ordered to show cause why he should not be sanctioned for his failure to comply with the
8 May 25, 2010 order. E.D. Cal. L.R. 110 ("Failure of counsel or of a party to comply with these
9 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
10 sanctions authorized by statute or Rule or within the inherent power of the Court."); *see also*
11 L.R. 183 ("Any individual representing himself or herself without an attorney is bound by the
12 Federal Rules of Civil or Criminal Procedure and by these Local Rules."); *Ghazali v. Moran*, 46
13 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's local rules is a proper ground for
14 dismissal.").

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. On or before July 7, 2010, defendant shall file a status report addressing the issues
17 raised in the district judge's March 19, 2010 order, Dckt. No. 3 at 3-5.

18 2. On or before July 7, 2010, defendant shall show cause, in writing, why sanctions
19 should not be imposed for his failure to comply with the May 25, 2010 order.

20 3. Plaintiff is not required to file a further status report or a response to defendant's
21 status report, but if it elects to do so, any such status report or response to defendant's status
22 report shall be filed on or before July 14, 2010.

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26 ¹ The May 25, 2010 order did not re-schedule the status conference.

1 4. Failure of defendant to comply with this order may result in the imposition of
2 sanctions, including a recommendation for entry of default against defendant.

3 DATED: June 22, 2010.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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