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

MICHAEL SHUGERT,

No. CIV S-10-1679 FCD EFB PS

Plaintiff,

vs.

UNITED STATES OF AMERICA,

ORDER TO SHOW CAUSE

Defendant.

_____ /
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 June 30, 2010, plaintiff filed a complaint in this action and paid the filing fee. Dckt. No. 1. The same day, the court issued its initial scheduling order. Dckt. No. 3. That order directed plaintiff to complete service of process within 120 days (*see* Federal Rule of Civil Procedure (“Rule”) 4(m)), and set a scheduling conference for November 10, 2010. The order further directed the parties to file status reports no later than fourteen days prior to the November 10, 2010 scheduling conference (or by October 27, 2010), and cautioned the parties that failure to obey the federal or local rules or orders of the court could result in sanctions, including a recommendation that the case be dismissed.

The court file reveals that plaintiff has not filed a status report, as required by the June 30, 2010 order, and that plaintiff has not yet effected service of process on defendant.

1 Accordingly, the status conference will be continued and plaintiff will be ordered to show cause
2 why this case should not be dismissed for failure to follow court orders and for failure to effect
3 service of process within the time prescribed by Rule 4(m). Fed. R. Civ. P. 4(m); E.D. Cal. L.R.
4 110 (“Failure of counsel or of a party to comply with these Rules or with any order of the Court
5 may be grounds for imposition by the Court of any and all sanctions authorized by statute or
6 Rule or within the inherent power of the Court.”); *see also* L.R. 183 (“Any individual
7 representing himself or herself without an attorney is bound by the Federal Rules of Civil or
8 Criminal Procedure and by these Local Rules.”); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.
9 1995) (“Failure to follow a district court’s local rules is a proper ground for dismissal.”). Failure
10 to timely comply with this order may result in sanctions, including a recommendation that this
11 action be dismissed for lack of prosecution.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The status conference currently scheduled for November 10, 2010, is continued to
14 January 12, 2011, at 10:00 a.m., in Courtroom No. 24.

15 2. Plaintiff shall show cause, in writing, on or before December 29, 2010, why sanctions
16 should not be imposed for failure to follow court orders and, if service was not effected by
17 October 28, 2010, for failure to effect service of process within the time prescribed by Rule
18 4(m).

19 3. Also by December 29, 2010, the parties shall file status reports (or a joint status
20 report) setting forth the matters referenced in the court’s June 30, 2010 order, including the
21 status of service of process.

22 4. Failure of plaintiff to comply with this order may result in the imposition of sanctions,
23 including a recommendation that this action be dismissed for lack of prosecution. *See* Fed. R.
24 Civ. P. 41(b).

25 SO ORDERED.

26 DATED: November 2, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE