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

SARA BATTERHAM,

Plaintiff,

No. CIV S-11-1118 GEB EFB PS

vs.

MONO COUNTY LAW ENFORCEMENT;
MONO COUNTY DISTRICT ATTORNEYS
OFFICE; TOWN OF MAMMOTH LAKES;
KYLE FLETCHER GRAHAM; GEORGE
BOOTH; WADE MCCAMMOND; FRANK
SMITH; DOUG HORNBECK; JEREMY
IBRIHIM; and DOES I through X,

Defendants.

ORDER TO SHOW CAUSE

This case, in which plaintiff is proceeding *pro se* and *in forma pauperis*, was referred to the undersigned under Local Rule 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). On July 27, 2011, the undersigned granted plaintiff's request for leave to proceed *in forma pauperis*, directed the Clerk of the Court to issue process and provide plaintiff with the necessary documents for service, and directed plaintiff to supply the United States Marshal with all information and documents needed to effect service of process. Dckt. No. 3. Also on July 27, 2011, the court issued an order which, among other things, set a status (pretrial scheduling) conference for December 7, 2011, directed plaintiff to serve a copy of the order concurrently with service of

1 process, and directed the parties to file status reports within fourteen days of the December 7,
2 2011 conference, or in this instance, by November 23, 2011. Dckt. No. 5.

3 On November 22, 2011, defendant Doug Hornbeck filed a status report. Dckt. No. 8.
4 However, the docket reveals that plaintiff has failed to file a status report, as required by the July
5 27, 2011 order. It is also unclear from the court file whether plaintiff has yet effected service of
6 process on any of the other defendants. Accordingly, the status conference will be continued and
7 plaintiff will be ordered to show cause why this case and/or any unserved defendants should not
8 be dismissed as a result of plaintiff's failure to follow court orders and/or plaintiff's failure to
9 effect service of process within the time prescribed by Rule 4(m). Fed. R. Civ. P. 4(m); E.D.
10 Cal. L.R. 110 ("Failure of counsel or of a party to comply with these Rules or with any order of
11 the Court may be grounds for imposition by the Court of any and all sanctions authorized by
12 statute or Rule or within the inherent power of the Court."); *see also* L.R. 183 ("Any individual
13 representing himself or herself without an attorney is bound by the Federal Rules of Civil or
14 Criminal Procedure and by these Local Rules."); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.
15 1995) ("Failure to follow a district court's local rules is a proper ground for dismissal."). Failure
16 to timely comply with this order may result in sanctions, including a recommendation that this
17 action be dismissed for lack of prosecution.

18 Accordingly, IT IS HEREBY ORDERED that:

19 1. The status conference currently scheduled for December 7, 2011, is continued to
20 February 22, 2012, at 10:00 a.m., in Courtroom No. 24.

21 2. Plaintiff shall show cause, in writing, on or before February 8, 2012, why sanctions
22 should not be imposed for failure to follow court orders and/or for failure to effect service of
23 process within the time prescribed by Rule 4(m).

24 3. Also by February 8, 2012, the parties shall file status reports (or a joint status report)
25 setting forth the matters referenced in the court's July 27, 2011 order, including the status of
26 service of process.

1 4. Failure of plaintiff to comply with this order may result in a recommendation that this
2 action be dismissed for failure to follow court orders, for failure to effect service of process
3 within the time prescribed by Rule 4(m), and/or for lack of prosecution under Rule 41(b).

4 DATED: November 29, 2011.

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6 EDMUND F. BRENNAN
7 UNITED STATES MAGISTRATE JUDGE
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