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

EDNA WAI  
Plaintiff, No. 2:11-cv-01782-GEB-KJN PS  
vs.  
DEVELOPMENTAL DISABILITIES  
SERVICE ORGANIZATION, INC.; and  
DOES 1-10, inclusive,  
Defendants. ORDER

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Plaintiff Edna Wai (the “plaintiff”) is proceeding without counsel in this action.<sup>1</sup>  
This case is currently set for a status (pretrial scheduling) conference on December 1, 2011.  
(Dkt. No. 3.) Along with the parties’ joint status report, which must be filed no later than seven  
days prior to the status (pretrial scheduling) conference, all parties must *also* file completed  
“Consent to / Decline of Jurisdiction of US Magistrate Judge” forms. (Dkt. No. 3 at 2-3; Dkt.  
No. 3-1.) These forms can be obtained from the Clerk’s Office or, alternatively, can be printed  
from the court’s electronic docket in this case at Docket Number 3-1.

Without the parties’ “Consent to / Decline of Jurisdiction of US Magistrate  
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<sup>1</sup> This proceeding was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1) and  
Local Rule 302(c)(21).

1 Judge” forms, the proper trial judge cannot be determined and the case cannot be properly set for  
2 trial.<sup>2</sup> A party’s failure to timely file completed “Consent to / Decline of Jurisdiction of US  
3 Magistrate Judge” forms may subject that party to sanctions.

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12 <sup>2</sup> Eastern District Local Rule 110 provides that “[f]ailure of counsel or of a party to  
13 comply with these Rules or with any order of the Court may be grounds for imposition by the  
14 Court of any and all sanctions authorized by statute or Rule or within the inherent power of the  
15 Court.” Moreover, Eastern District Local Rule 183(a) provides, in part:

16 Any individual representing himself or herself without an attorney is bound by  
17 the Federal Rules of Civil or Criminal Procedure, these Rules, and all other  
18 applicable law. All obligations placed on “counsel” by these Rules apply to  
19 individuals appearing in propria persona. Failure to comply therewith may be  
20 ground for dismissal . . . or any other sanction appropriate under these Rules.

21 See also King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (“Pro se litigants must follow the  
22 same rules of procedure that govern other litigants.”). Case law is in accord that a district  
23 court may impose sanctions, *including involuntary dismissal of a plaintiff’s case* pursuant to  
24 Federal Rule of Civil Procedure 41(b), where that plaintiff fails to prosecute his or her case  
25 or fails to comply with the court’s orders, the Federal Rules of Civil Procedure, or the  
26 court’s local rules. See Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991) (recognizing that  
a court “may act *sua sponte* to dismiss a suit for failure to prosecute”); Hells Canyon  
Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (stating that  
courts may dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) *sua sponte*  
for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or the court’s  
orders); Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam) (“Failure to follow a  
district court’s local rules is a proper ground for dismissal.”); Ferdik v. Bonzelet, 963 F.2d  
1258, 1260 (9th Cir. 1992) (“Pursuant to Federal Rule of Civil Procedure 41(b), the district  
court may dismiss an action for failure to comply with any order of the court.”); Thompson  
v. Housing Auth. of City of L.A., 782 F.2d 829, 831 (9th Cir. 1986) (per curiam) (stating  
that district courts have inherent power to control their dockets and may impose sanctions  
including dismissal).


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Accordingly, IT IS HEREBY ORDERED that:

Along with the parties' joint status report, which must be filed no later than seven days prior to the status (pretrial scheduling) conference currently set for December 1, 2011, all parties must *also* file completed "Consent to / Decline of Jurisdiction of US Magistrate Judge" forms. (Dkt. No. 3 at 2-3.) A party's failure to timely file completed "Consent to / Decline of Jurisdiction of US Magistrate Judge" forms may subject that party to sanctions.

IT IS SO ORDERED.

DATED: November 16, 2011

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE