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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT N. JOHNSON,  
Plaintiff,  
v.  
KRITAEN McCULLEY, et al.,  
Defendants.

Civ. No. S-11-2215 KJM EFB

ORDER

On June 27, 2013, the parties notified the court that this case had settled and that dispositional documents would be filed within thirty days. ECF No. 37. On July 1, 2013, the magistrate judge issued an order vacating the remaining dates in this case and directing the parties to file dispositional documents no later than thirty days from the date of the order. ECF No. 38. The magistrate judge cautioned that failure to comply with the order may be grounds for the imposition of sanctions. *Id.*

On August 1, 2013, plaintiff filed a request for an additional thirty days, saying only that “Plaintiff and Defendants are in the process of finalizing a settlement agreement and require longer than the thirty day grace period.” ECF No. 39 at 1. The court granted the request on August 2, 2013.

On September 6, 2013, plaintiff filed an untimely request for additional time, saying that “Plaintiff has provided Defendants with a settlement agreement; however, Defendants

1 require additional time to review the terms of the agreement.” ECF No. 41 at 1. Plaintiff did not  
2 file a proof of service on the defendants, who are appearing in pro per, and there is nothing on the  
3 docket suggesting that they have received notice of this request or of the previous requests.

4 Under Local Rule 160(b), the court may extend the period for filing dispositional  
5 documents “on good cause shown.” It appears from the latest request that plaintiff has only  
6 recently sent a settlement agreement to defendants, yet he fails to explain why he did not act  
7 within the previous sixty days.

8 IT IS THEREFORE ORDERED that:

9 1. The request for an extension of time in which to file dispositional documents is  
10 denied;

11 2. Plaintiff is hereby ordered to show cause, within seven (7) days of the entry of  
12 this order, why this matter should not be dismissed with prejudice for his failure to comply with  
13 Local Rule 160, *see* Local Rule 110, and for failure to prosecute; and

14 3. Plaintiff is directed to serve a copy of this order on defendants promptly and  
15 file a proof of service.

16 DATED: September 19, 2013.

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19 UNITED STATES DISTRICT JUDGE  
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