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

LESLIE NAROG,

Plaintiff,

No. CIV S-11-2618 GEB EFB PS

vs.

BANK OF AMERICA HOME LOAN
SERVICING LP, et al.,

Defendants.

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 October 4, 2011, 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. 4. 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 February 15, 2012. *Id.* The order further directed the parties to file status reports no later than fourteen days prior to the February 15, 2012 scheduling conference (or by February 1, 2012), 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. *Id.*

The court file reveals that plaintiff has not filed a status report, as required by the October 4, 2011 order, and that plaintiff has not yet effected service of process on defendants.

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 February 15, 2012, is continued to April
14 18, 2012, at 10:00 a.m., in Courtroom No. 24.

15 2. Plaintiff shall show cause, in writing, on or before April 4, 2012, why sanctions
16 should not be imposed for failure to follow court orders and, if service was not effected by
17 February 1, 2012, for failure to effect service of process within the time prescribed by Rule 4(m).

18 3. Also by April 4, 2012, the parties shall file status reports (or a joint status report)
19 setting forth the matters referenced in the court’s October 4, 2011 order, including the status of
20 service of process.

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

24 SO ORDERED.

25 DATED: February 8, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE