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

DAVID LEE LASKIEWICZ,

No. 2:11-cv-2828-JAM-CMK

Plaintiff,

vs.

ORDER

RUSSELL SWARTZ, et al.,

Defendants.

_____ /

Plaintiff, proceeding in this action in propria persona, brings this civil action. On December 3, 2014, the court held a hearing on plaintiff’s motion for default judgment. Plaintiff was informed that he is required to submit evidence to support his claim as to the damages he alleges he suffered relating to the defendants’ misappropriation of funds held in trust. The hearing was continued to March 4, 2015, in order to provide plaintiff an opportunity to obtain and submit the necessary evidence.

Plaintiff has now requested the court remove the hearing on his motion for default judgement from the March 4, 2015, calendar, as he has not been successful in obtaining the necessary evidence to go forward. Plaintiff’s request will be granted, and the court will administratively terminate the motion until such time as plaintiff is ready to proceed in this

1 matter. Plaintiff is cautioned, however, that he will be required to actively prosecute this case
2 and produce evidence to support his damages claim. Failure to do so within the time provided
3 herein may result in the dismissal of this case for failure to prosecute. See Local Rule 110.

4 Plaintiff shall work diligently in obtaining the evidence to support his claim for
5 damages. He will be required to inform the court as to his progress every 60 days. As soon as he
6 has the necessary evidence, but in no more than 180 days, plaintiff shall file a renewed motion
7 for default judgment and set a hearing on calendar before the undersigned. Again, plaintiff is
8 cautioned that failure to file the appropriate status report and/or renewed motion for default
9 judgment, within the time limits set herein, will be grounds to dismiss this action for failure to
10 prosecute and/or follow court rules and orders. See Local Rule 110.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Plaintiff's request to take the hearing on his motion for default judgment
13 off calendar (Doc. 72) is granted;

14 2. The hearing set for March 4, 2015, is vacated;

15 3. The Clerk of the Court is directed to administratively terminate the motion
16 for default judgment (Doc. 44);

17 4. Plaintiff shall file a status report within 60 days of the date of this order
18 informing the court as to his progress in obtaining the necessary evidence to support his claim for
19 damages; and

20 5. As soon as plaintiff is ready to proceed, but not longer than 180 days from
21 the date of this order, plaintiff shall file a renewed motion for default judgment.

22
23 DATED: February 19, 2015

24 
25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE