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

ASHIT ZINZUWADIA,

Plaintiff,

No. 2:11-cv-3470-JAM-EFB PS

vs.

MORTGAGE ELECTRONIC
INFORMATION SYSTEMS, INC.;
NDEX WEST, LLC; DEUTSCHE
BANK NATIONAL TRUST COMPANY;
ONEWEST BANK FSB; AMERICAN
MORTGAGE NETWORK, INC.;
NATIONWIDE POSTING AND
PUBLICATION, INC.; and
DOES 1-100, inclusive,

Defendants.

ORDER AND
FINDINGS AND RECOMMENDATIONS

This case, in which plaintiff is proceeding *in propria persona*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On February 24, 2012, the undersigned granted plaintiff’s request to proceed *in forma pauperis*, directed the clerk to provide plaintiff with the forms required to effect service on defendants, and directed plaintiff to provide to the U.S. Marshal within fourteen days all information needed to effect service of process and to file a statement with the court within fourteen days thereafter that the documents were submitted. Dckt. No. 3. Also on February 24, 2012, the court issued an

1 order which, among other things, set a status (pretrial scheduling) conference for July 11, 2012,
2 directed plaintiff to serve a copy of the order concurrently with service of process, and directed
3 the parties to file status reports within fourteen days of the July 11, 2012 conference, or in this
4 instance, by June 27, 2012. Dckt. No. 6.

5 The docket reveals that plaintiff has not filed a statement that the service documents were
6 submitted to the Marshal, and the Marshal indicated on June 26, 2012 that he has not received
7 the service documents from plaintiff. Additionally, plaintiff did not file a status report, as
8 required by the February 24, 2012 order. Therefore, the undersigned will vacate the status
9 (pretrial scheduling) conference and will recommend that this case be dismissed for failure to
10 prosecute. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110 (“Failure of counsel or of a party to
11 comply with these Rules or with any order of the Court may be grounds for imposition by the
12 Court of any and all sanctions authorized by statute or Rule or within the inherent power of the
13 Court.”); *see also* E.D. Cal. L.R. 183 (“Any individual representing himself or herself without an
14 attorney is bound by the Federal Rules of Civil or Criminal Procedure and by these Local
15 Rules.”); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s
16 local rules is a proper ground for dismissal.”).

17 Accordingly, IT IS HEREBY ORDERED that the Status Conference currently set for
18 July 11, 2012, is vacated.¹

19 IT IS FURTHER RECOMMENDED that:

20 1. This action be dismissed pursuant to Federal Rule of Civil Procedure 41(b), based on
21 plaintiff’s failure to prosecute the action and failure to comply with this court’s orders and Local
22 Rules; and

23 ///

24 ///

25 ¹ If the recommendation of dismissal herein is not adopted by the district judge, the
26 undersigned will reschedule the status conference and require the parties to submit status reports.

