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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN YOUNG, JR.,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:13-cv-0257-KJN

ORDER TO SHOW CAUSE

Plaintiff John Young, Jr., who proceeds without counsel, commenced this action on February 11, 2013. (ECF No. 1.) On February 14, 2013, the undersigned granted plaintiff's application to proceed in forma pauperis, and directed plaintiff to submit copies of the required service documents to the United States Marshal (and file a statement with the court that such documents have been submitted to the United States Marshal) within fourteen (14) days of that order. (ECF No. 3.) The court's record indicates that plaintiff failed to file the required statement and that service of process has not been accomplished, strongly suggesting that plaintiff failed to submit the service documents to the U.S. Marshal in accordance with the court's order.

The court's February 14, 2013 scheduling order in this matter expressly states that failure to adhere to scheduling deadlines "may result in sanctions, including dismissal. L.R. 110. Plaintiff has an affirmative duty to prosecute this action, and failure to do so may result in a


1 dismissal for lack of prosecution. Fed. R. Civ. P. 41(b). Requests to modify this order must be
2 made by written motion.” (ECF No. 5 at 3-4.)

3 Accordingly, within 21 days of this order, plaintiff shall show cause in writing why this
4 case should not be dismissed for lack of prosecution and failure to comply with court orders.
5 Failure to timely file the required writing will result in a recommendation that the action be
6 dismissed with prejudice. See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; see also Hells Canyon
7 Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that a court
8 may dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) sua sponte for a
9 plaintiff’s failure to prosecute or comply with the rules of civil procedure or the court’s orders).

10 Alternatively, if plaintiff does not intend to pursue his case at this time, plaintiff may file a
11 notice of voluntary dismissal of the action without prejudice pursuant to Federal Rule of Civil
12 Procedure 41(a)(1)(A)(i) within 21 days of this order.

13 IT IS SO ORDERED.

14 Dated: October 21, 2013

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE
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