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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLAUZELL B. CHENIER,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:14-cv-0785-KJN

ORDER TO SHOW CAUSE

Plaintiff, who is proceeding without the assistance of counsel, commenced this action on March 27, 2014. (ECF Nos. 1, 2.) On March 31, 2014, 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 at 2.) 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 March 31, 2014 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 dismissal for lack of

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

3 Accordingly, within fourteen (14) 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. Failure to
5 timely file the required writing will result in a recommendation that the action be dismissed with prejudice.
6 See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; see also Hells Canyon Pres. Council v. U.S. Forest Serv.,
7 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that a court may dismiss an action pursuant to Federal Rule
8 of Civil Procedure 41(b) *sua sponte* for a plaintiff’s failure to prosecute or comply with the rules of civil
9 procedure or the court’s orders).

10 IT IS SO ORDERED.

11 Dated: January 13, 2015

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE
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