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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES M. GROGAN,

Plaintiff,

v.

JOHN HENRY, an individual;
and DOES 1-30,

Defendants* .

No. 2:15-cv-00562-GEB-KJN

ORDER

ANTICIPATED AMENDMENT OF PLEADINGS

Plaintiff states in his Status Report filed October 13, 2015, that he "will move the Court to amend the pleadings to rename the United States of America as a Defendant now that six months have passed since filing the administrative claim and the administrative remedies have been exhausted." (Pl.'s Status Report 2:20-21, ECF No. 28 (citation omitted).)

Plaintiff has until November 16, 2015, to file a motion in which leave is sought under Federal Rule of Civil Procedure 15(a) to file the referenced amendment, after which time no further service, joinder of parties, or amendments to the Complaint is permitted, except with leave of Court for good cause shown.

* The caption has been amended according to the July 17, 2015 Order Granting Defendants United States of America and Beale Aero Club's Dismissal Motion. (ECF No. 23.)

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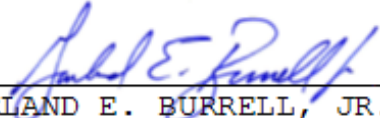
DEFAULT PROCEEDINGS

Plaintiff states in his Status Report that “[a]ll parties . . . have been served.” (Id. at 2:6.) However, Defendant John Henry has not appeared in the case, and Plaintiff does not indicate how he intends to prosecute this matter as to that defendant.

Plaintiff shall take the steps necessary to prosecute this action as a default matter as to Defendant John Henry. No later than November 16, 2015, Plaintiff shall either file whatever documents are required to prosecute this case as a default matter or Show Cause in a writing filed why Defendant John Henry and/or this action should not be dismissed for failure of prosecution. This defendant and/or this action may be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) if Plaintiff fails to timely respond to this Order.

Further, the status conference scheduled for hearing on October 26, 2015, is continued to commence at 9:00 a.m. on February 1, 2016. A status report shall be filed fourteen (14) days prior to the status conference in which Plaintiff shall explain the status of the default proceedings.¹

Dated: October 20, 2015



GARIAND E. BURRELL, JR.
Senior United States District Judge

¹ In the event Plaintiff has successfully joined the United States of America as a defendant by the time the status report is required to be filed, Plaintiff and the United States shall file a joint status report, which shall address all pertinent subjects set forth in Local Rule 240.