1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 ANGELICA FRANCES, No. 2:16-cv-1016-JAM-GGH 11 Plaintiff, **ORDER** 12 13 v. ACCESSIBLE SPACE, INC., et al., 14 Defendants. 15 16 Plaintiff appears in this matter pro se and in forma pauperis. On June 18, 2018, this court 17 issued an Order directing the parties to comply with Federal Rule of Civil Procedure 26(a) and 18 19 exchange documents which each side considers relevant to this action within 14 days of the Order, and then to meet and confer to establish a discovery plan pursuant to Federal Rule of Civil 20 Procedure 26(f), and then provide a Joint Scheduling Statement which would permit this court to 21 move this matter forward to trial. 22 On June 29, 2018, plaintiff sent two emails to the court's Courtroom Deputy, Jonathan 23 Anderson, stating that she received the Order late and needed more time to address the substance 24 of the Order and complaining that defendant's counsel had notified her they were filing 25 documents without having attempted to discuss them, and therefore dictating to her how things 26 would be handled. She filed nothing with the court nor did she copy defendant's counsel on these 27 //// 28 1

1 emails. It is now perfectly clear that plaintiff misunderstands her role as plaintiff in a federal civil 2 action. 3 Plaintiff, as the complaining party, has the duty to move her matter forward. She 4 complains defendant has not contacted her about compliance with the court's Order when, in fact, 5 it is her duty to contact defendant's counsel. Although the court will accede to plaintiff's request 6 for an extension of time to effect the terms of the pending Order, it is also warning plaintiff that 7 she must take responsibility to move this case forward. Her failure to follow the directions given 8 by the court in this Order may well result in a recommendation to the district case that this matter 9 should be dismissed for failure to prosecute the action pursuant to Federal Rule of Civil Procedure 41(b). <sup>2</sup> 10 In light of the foregoing, IT IS HEREBY ORDERED that: 11 12 1. Henceforth plaintiff shall communicate with the court only through filed 13 documents that are simultaneously served on defendant in this matter; and 14 2. Within 15 days of the service of this Order, plaintiff shall contact defendant and 15 carry out the instructions found in the court's June 18, 2018 Order, i.e., provide documents 16 pursuant to Rule 26(a) and meet and confer on a Scheduling Statement designed to move this 17 matter forward to resolution. 18 Dated: July 3, 2018 /s/ Gregory G. Hollows 19 UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 <sup>1</sup> Plaintiff's reference to defendant's action regarding documents suggests that defendant may have provided the documents required under Rule 26(a) to plaintiff, thereby meeting its 25 obligation under the court's Order. 26 <sup>2</sup> Plaintiff's emails also explain another family medical issue that may have led to her delay. The court is sympathetic to such circumstances but emphasizes that this matter was filed on May 12, 27

2016, more than 2 years ago, and appears no closer to trial today than it was on the day of that

28

filing. This is unacceptable.