

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENE E. EVANS,
Plaintiff,
v.
K. LASSITER, *et al.*
Defendants.

Case No. 2:16-cv-01997-JAM-JDP (PC)
ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH LOCAL RULES
ECF No. 62
RESPONSE DUE WITHIN TWENTY-ONE
DAYS
ORDER GRANTING DEFENDANTS'
MOTION TO MODIFY THE SCHEDULING
ORDER
ECF No. 64

On December 8, 2021, defendants filed a motion to compel plaintiff to provide responses to interrogatories and requests for production of documents. ECF No. 62. To date, plaintiff has not filed an opposition or statement of non-opposition to the motion.

In cases where a party is incarcerated and proceeding without counsel, a responding party is required to file an opposition or statement of non-opposition not more twenty-one days after the date the motion is served. E.D. Cal. L.R. 230(l). Failure “to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” *Id.*

1 To manage its docket effectively, the court imposes deadlines on litigants and requires
2 litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute
3 or failure to comply with its orders or local rules. See Fed. R. Civ. P. 41(b); *Hells Canyon Pres.*
4 *Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439,
5 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to
6 administer justice expeditiously and avoid needless burden for the parties. See *Pagtalunan v.*
7 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

8 Plaintiff will be given a chance to explain why the court should not dismiss the case for
9 his failure to prosecute and failure to comply with the court's local rules. Plaintiff's failure to
10 respond to this order will constitute a failure to comply with a court order and will result in a
11 recommendation that this action be dismissed.

12 Additionally, defendants have filed a motion asking that the court vacate or continue the
13 deadlines for discovery and filing dispositive motions until resolution of their motion to compel.
14 ECF No. 64. Good cause appearing, that motion is granted.

15 Accordingly, it is hereby ORDERED that:

16 1. Plaintiff shall show cause within twenty-one days why this case should not be
17 dismissed for failure to prosecute and failure to comply with the local rules.

18 2. Should plaintiff wish to continue with this lawsuit, he shall, within twenty-one days,
19 file an opposition or statement of non-opposition to defendants' motion to compel.

20 3. Failure to comply with this order will result in a recommendation that this action be
21 dismissed.


22 4. Defendants' motion to modify the scheduling order, ECF No. 64, is granted, and all
23 discovery deadlines and the deadline for filing dispositive motions are vacated.

24 5. Upon resolution of defendants' motion to compel, the court will set new deadlines for
25 completing discovery and filing dispositive motions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: June 14, 2022



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE