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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLLETTE JORDAN,  
  
  Plaintiff,  
  
  v.  
  
CALIFORNIA DEPARTMENT OF  
JUSTICE,  
  
  Defendant.

No. 2:16-cv-02442-KJM-AC (PS)

ORDER


Plaintiff is proceeding in this action pro se following the withdrawal of her attorney. ECF No. 22. The action was accordingly referred to the undersigned by Local Rule 302(c)(21). ECF No. 23. On March 23, 2018, defendant filed a motion to compel responses to special interrogatories and for sanctions pursuant to Local Rule 251(e). ECF No. 28. Plaintiff failed to timely respond to the motion, and this court issued an order continuing the hearing and setting a new deadline for plaintiff to file a response. ECF No. 29. The court warned that failure to respond could result in sanctions. Id. at 2. Plaintiff again failed to timely respond.

A plaintiff’s failure to respond to a motion or comply with orders of the court are circumstances in which sanctions, up to and including dismissal of a case, may be appropriate. See Local Rule 230(l) (“Failure of the responding party 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[.]”);

1 Local Rule 110 (a party's failure to comply with the Local Rules "may be grounds for imposition  
2 of any and all sanctions authorized by statute or Rule or within the inherent power of the Court");  
3 Fed. R. Civ. P. 41(b) (authorizing dismissal of an action due to plaintiff's failure to prosecute or  
4 to comply with the local or federal rules). Failure to comply with a discovery order may also  
5 result in sanctions, up to and including dismissal of an action. Fed R. Civ. P. 37(c)(1)(C); Fed R.  
6 Civ. P. 37(b)(2)(A)(v).

7 Plaintiff has missed several court imposed deadlines and has failed to respond to  
8 defendant's pending motion, which is based on her alleged failure to participate in discovery.  
9 Plaintiff is hereby ORDERED to show cause in writing, by May 10, 2018, why her case should  
10 not be dismissed for failure to prosecute. If plaintiff fails to respond to this order to show cause,  
11 the court will recommend dismissal of his case pursuant to Local Civil Rule 110. The hearing on  
12 defendant's pending motion to compel (ECF No. 28) is hereby VACTED from the court's  
13 calendar to be re-set as necessary.

14 DATED: April 26, 2018

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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