

1 dismissal for lack of prosecution. Fed. R. Civ. P. 41(b). Requests to modify this order must be
2 made by written motion.” (ECF No. 6 at 3-4.)

3 Accordingly, within fourteen (14) days of this order, plaintiff shall show cause in writing
4 why this case should not be dismissed for lack of prosecution and failure to comply with court
5 orders. Failure to timely file the required writing will result in a recommendation that this action
6 be dismissed. See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; Hells Canyon Pres. Council v. U.S.
7 Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that a court may dismiss an action
8 pursuant to Federal Rule of Civil Procedure 41(b) *sua sponte* for a plaintiff’s failure to prosecute
9 or comply with the rules of civil procedure or the court’s orders).

10 Furthermore, the court notes that plaintiff has not yet indicated whether or not she
11 consents to the jurisdiction of the magistrate judge for all purposes. Therefore, plaintiff is
12 directed to file a brief statement indicating whether or not she consents to the jurisdiction of a
13 United States magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c). Importantly,
14 plaintiff is under no obligation to so consent – plaintiff’s designation merely assists the court in
15 determining how the case should be administratively processed.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Within fourteen (14) days of the date of this order, plaintiff shall show cause in
18 writing why this action should not be dismissed based on plaintiff’s failure to file a
19 motion for summary judgment and prosecute this case.
- 20 2. Within fourteen (14) days of the date of this order, plaintiff shall file a motion for
21 summary judgment that meets the requirements of the court’s November 17, 2016
22 scheduling order.
- 23 3. Within fourteen (14) days of the date of this order, plaintiff shall file a brief statement
24 indicating whether or not she consents to the jurisdiction of a United States magistrate
25 judge for all purposes pursuant to 28 U.S.C. § 636(c).
- 26 4. Failure to timely respond to the order to show cause and to timely file a motion for
27 summary judgment may result in dismissal of the action pursuant to Federal Rule of
28 Civil Procedure 41(b).

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5. The Clerk of Court shall serve another copy of the court's November 17, 2017 scheduling order (ECF No. 4) on plaintiff along with a copy of this order.

IT IS SO ORDERED.

Dated: May 12, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE