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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY BOCHENE,
Plaintiff,
v.
MFRA TRUST 2014-2,
MFRESIDENTIALASSETS, LLC AS
ADMINISTRATOR, et al.,
Defendants.

No. 2:17-cv-0768 TLN DB PS

ORDER TO SHOW CAUSE

Plaintiff Anthony Bochene is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On July 13, 2018, the undersigned issued an order setting this matter for a status conference on August 24, 2018. (ECF No. 40.) Pursuant to the order plaintiff was to file a status report on or before August 10, 2018. (Id. at 2.) Plaintiff was also ordered to serve a copy of the order on the defendant and file proof of service. (Id. at 1.) Plaintiff has done neither.

The failure of a party to comply with the Local Rules or any order of the court “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” Local Rule 110. Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil Procedure, the Local Rules, and all applicable law. Local Rule 183(a). Failure to comply with applicable rules and law may be

1 grounds for dismissal or any other sanction appropriate under the Local Rules. Id.

2 In light of plaintiff's pro se status, and in the interests of justice, the court will provide
3 plaintiff with an opportunity to show good cause for plaintiff's conduct.¹

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff show cause in writing within fourteen days of the date of this order as to why
6 this case should not be dismissed for lack of prosecution²;

7 2. The August 24, 2018 status conference is continued to **Friday, October 5, 2018, at**
8 **10:00 a.m.** at the United States District Court, 501 I Street, Sacramento, California, in Courtroom
9 No. 27 before the undersigned;

10 3. Within fourteen (14) days after plaintiff is served with this order, plaintiff shall serve
11 upon defendant one copy of this order; within five (5) days after serving the required copies on
12 the defendant, plaintiff shall file a certificate of service indicating the date and manner of service
13 of the copies on the defendant;

14 4. All parties are required to appear at the Status Conference, either by counsel or, if
15 proceeding in propria persona, on his or her own behalf. Any party may appear at the status
16 conference telephonically if the party pre-arranges such appearance by contacting Pete Buzo, the
17 courtroom deputy of the undersigned magistrate judge, at (916) 930-4128, no later than 48 hours
18 before the Status (Pretrial Scheduling) Conference; a party may not appear telephonically over a
19 cellphone.

20 5. Plaintiff shall file and serve a status report on or before **September 21, 2018**, and
21 defendant shall file and serve a status report on or before **September 28, 2018**. Each party's
22 status report shall address all of the following matters:

- 23 a. Progress of service of process;
- 24 b. Possible joinder of additional parties;

25 ¹ This is not the first time plaintiff's failure to prosecute has resulted in an order to show cause.
26 (ECF Nos. 14, 36.)

27 ² Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules
of Civil Procedure.

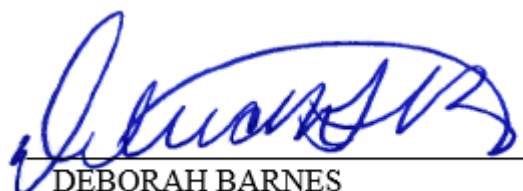
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- c. Possible amendment of the pleadings;
- d. Jurisdiction and venue;
- e. Anticipated motions and the scheduling thereof;
- f. Anticipated discovery and the scheduling thereof, including disclosure of expert witnesses;
- g. Future proceedings, including the setting of appropriate cut-off dates for discovery and for law and motion, and the scheduling of a final pretrial conference and trial;
- h. Modification of standard pretrial procedures specified by the rules due to the relative simplicity or complexity of the action;
- i. Whether the case is related to any other case, including matters in bankruptcy;
- j. Whether the parties will stipulate to the magistrate judge assigned to this matter acting as settlement judge, waiving any disqualification by virtue of her so acting, or whether they prefer to have a Settlement Conference before another magistrate judge;
- k. Whether the parties intend to consent to proceed before a United States Magistrate Judge; and
- l. Any other matters that may aid in the just and expeditious disposition of this action.

6. Plaintiff is advised that failure to file a timely status report, or failure to appear at the status conference either in person or telephonically, may result in a recommendation that this action be dismissed for lack of prosecution and as a sanction for failure to comply with court orders and applicable rules. See Local Rules 110 and 183; and

7. Plaintiff is again cautioned that Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be dismissed if service of the summons and complaint is not accomplished on the defendant within 90 days after the complaint was filed.³

Dated: August 16, 2018



 DEBORAH BARNES
 UNITED STATES MAGISTRATE JUDGE

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³ However, the court may extend the time for service upon a showing a good cause.