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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID KAY WIENS,

 Plaintiff,

 v.

U.S. OF AMERICA VETERANS
HOSPITAL,

 Defendant.

No. 2:17-cv-2438 MCE DB PS

ORDER

Plaintiff David Wiens 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 February 12, 2018, the undersigned issued an order setting this matter for a status conference on March 16, 2018. (ECF No. 5.) Pursuant to the order plaintiff was to file a status report on or before March 2, 2018. Plaintiff, however, has failed to file a status report.

Moreover, on February 12, 2018, defendant noticed a motion to dismiss for hearing before the undersigned also on March 16, 2018.¹ (ECF No. 10.) Pursuant to Local Rule 230(c) plaintiff was to file opposition or a statement of non-opposition to defendant’s motion “not less than fourteen (14) days preceding the noticed . . . hearing date.” Plaintiff, however, has failed to file a

¹ In light of defendant’s motion to dismiss the undersigned finds that a status conference is premature and the previously set status conference will be vacated.

1 timely opposition or statement of non-opposition.

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

8 In light of plaintiff’s pro se status, and in the interests of justice, the court will provide
9 plaintiff with an opportunity to show good cause for plaintiff’s conduct along with a final
10 opportunity to oppose defendant’s motion.

11 Accordingly, IT IS HEREBY ORDERED that:

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

14 2. The March 16, 2018 status conference is vacated;

15 3. The March 16, 2018 hearing of defendant’s motion to dismiss (ECF No. 10) is
16 continued to **Friday, May 18, 2018, at 10:00 a.m.**, at the United States District Court, 501 I
17 Street, Sacramento, California, in Courtroom No. 27, before the undersigned;

18 3. On or before **May 4, 2018**, plaintiff shall file a statement of opposition or non-
19 opposition to defendant’s motion to dismiss; and

20 4. Plaintiff is cautioned that the failure to timely comply with this order may result in a
21 recommendation that this case be dismissed.

22 Dated: March 9, 2018

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25 DEBORAH BARNES
26 UNITED STATES MAGISTRATE JUDGE

25 DLB:6
26 DB/orders/orders.pro se/wiens2438.osc.cont.hrg

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.