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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE ELLIS GRAY,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:18-cv-00071-KJN
ORDER AND
ORDER TO SHOW CAUSE

Plaintiff, proceeding without counsel, initially commenced this social security action on January 12, 2018, and requested leave to proceed *in forma pauperis*. (ECF Nos. 1, 2.) The court granted plaintiff’s request and ordered him to “submit to the United States Marshal an original and five copies of the completed summons, five copies of the complaint, five copies of the scheduling order, and a completed USM-285 form, and [to] file a statement with the court that such documents have been submitted to the United States Marshal” by February 2, 2018. (ECF No. 3 at 2.) The deadline having passed, plaintiff has failed to provide the court with a statement that he provided the necessary documents to the United States Marshal.

The court has considered whether sanctions should be imposed against plaintiff. However, in light of plaintiff’s *pro se* status, the court first issues an order to show cause, providing plaintiff with an opportunity to explain his failure to submit the necessary documents to

1 the United States Marshal and to notify the court, as ordered. The court also provides plaintiff
2 with an additional opportunity to submit the necessary documents to the United States Marshal.

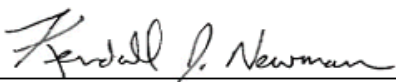
3 Furthermore, the court notes that plaintiff has not yet indicated whether or not he consents
4 to the jurisdiction of the magistrate judge for all purposes. Therefore, plaintiff is directed to file a
5 brief statement indicating whether or not he consents to the jurisdiction of a United States
6 magistrate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

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. No later than September 14, 2018, plaintiff shall show cause in writing why this action
11 should not be dismissed based on plaintiff’s failure to prosecute this case.
- 12 2. No later than September 14, 2018, plaintiff shall submit to the United States Marshal
13 an original and five copies of the completed summons, five copies of the complaint,
14 five copies of the scheduling order, and a completed USM-285 form, and shall file a
15 statement with the court that such documents have been submitted to the United States
16 Marshal.
- 17 3. No later than September 14, 2018, plaintiff shall file a brief statement indicating
18 whether or not he consents to the jurisdiction of a United States magistrate judge for
19 all purposes pursuant to 28 U.S.C. § 636(c).
- 20 4. Failure to timely respond to the order to show cause and to timely provide the United
21 States Marshal with the necessary documents may result in dismissal of the action
22 pursuant to Federal Rule of Civil Procedure 41(b).
- 23 5. The Clerk of Court shall serve another copy of the court’s January 19, 2018 orders and
24 the summons (ECF Nos. 3, 4, and 5) on plaintiff along with a copy of this order.

25 IT IS SO ORDERED.

26 Dated: August 30, 2018

27 
28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE