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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEONARD TOBIA,

Plaintiff,

v.

DOLLAR TREE STORES, INC., a
California Corporation dba Dollar Tree
Store # 4760; KEVIN WAMPLER; and
DOES 1-10,

Defendants.

No. 2:18-cv-871-MCE-EFB PS

ORDER AND ORDER TO SHOW CAUSE

On July 17, 2019, the court issued an order which set a status (pretrial scheduling) conference for January 8, 2020.¹ ECF No. 4. The order directed plaintiff to complete service of process on the defendant within 90 days and to serve a copy of the order concurrently with service of the summons and complaint. *Id.* The order also directed the parties to file status reports fourteen days prior to the scheduling conference. *Id.*

Plaintiff did not timely file a status report, nor has he filed a proof of service demonstrating that defendants were properly served.² *See* Fed. R. Civ. P. 4(1)(1) (requiring that

¹ This case, in which plaintiff is proceeding in propria persona, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1).

² To date, defendants have not appeared in this action.

1 proof of service be made to the court). Accordingly, the status conference will be continued and
2 plaintiff is ordered to show cause why this case should not be dismissed for failure to effect
3 service of process and/or failure to comply with the court's order. *See* Fed. R. Civ. P. 41(b); E.D.
4 Cal. L.R. 110 ("Failure of counsel or of a party to comply with these Rules or with any order of
5 the Court may be grounds for imposition by the Court of any and all sanctions authorized by
6 statute or Rule or within the inherent power of the Court."); *see also* E.D. Cal. L.R. 183 ("Any
7 individual representing himself or herself without an attorney is bound by the Federal Rules of
8 Civil or Criminal Procedure and by these Local Rules."); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th
9 Cir. 1995) ("Failure to follow a district court's local rules is a proper ground for dismissal.").

10 Accordingly, it is hereby ORDERED that:

11 1. The status conference scheduled for January 8, 2020, is continued to February 26, 2020
12 at 10:00 a.m., in Courtroom No. 8.

13 2. Plaintiff shall show cause, in writing, on or before February 12, 2020, why this action
14 should not be dismissed for failure to effect service of process and/or failure to comply with the
15 court orders.

16 3. By no later than February 12, 2020, the parties shall file status reports (or a joint status
17 report) setting forth the matters referenced in the court's July 17, 2019 order, including the status
18 of service of process.

19 4. Failure of plaintiff to comply with this order will result in a recommendation that this
20 action be dismissed for failure to effect services of process, comply with court orders, and/or for
21 lack of prosecution under Rule 41(b).

22 DATED: January 2, 2020.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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