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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEFRANTZE LUCAS NOEL,  
Plaintiff,  
v.  
THERESA SANDSTRUM, et al.  
Defendants.

No. 2:18-cv-01687-JAM-CKD (PS)

ORDER TO SHOW CAUSE

Plaintiff DeFrantze Lucas Noel, who proceeds without counsel, commenced this action on June 8, 2018, and moved to proceed *in forma pauperis*. (ECF Nos. 1, 2.) The court granted plaintiff’s motion, but dismissed the action with leave to amend for failure to state a claim and failure to name any defendants. (ECF No. 3.) After plaintiff failed to respond within the time allotted, the court recommended dismissal of the action with prejudice. (ECF No. 4.) Plaintiff objected and explained that his failure to respond was due to his mail not being forwarded to him correctly. (ECF No. 5.) As a result, the court vacated its findings and recommendations, and ordered plaintiff to file an amended complaint no later than August 31, 2018. (ECF No. 6.)

Plaintiff did not file an amended complaint until September 4, 2018. (ECF No. 7.) Nevertheless, on October 3, 2018, the court ordered service of the complaint on the newly named defendants. (ECF No. 8.) Specifically, the court ordered that “[p]laintiff shall supply the U.S. Marshal, within 30 days from the date this order is filed, with all information needed by the U.S.

1 Marshal to effectuate service of process, and shall, within 10 days thereafter, file a statement with  
2 the court that such documents have been submitted to the U.S. Marshal.” (Id. at 2.) The court  
3 warned plaintiff that “[f]ailure to comply with this order may result in any appropriate sanctions,  
4 including monetary sanctions and/or dismissal of the action pursuant to Federal Rule of Civil  
5 Procedure 41(b).” (Id. at 3.)

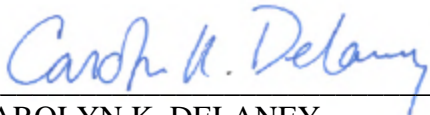
6 The deadline having passed, plaintiff has failed to file a statement with the court that all  
7 necessary documents have been submitted to the U.S. Marshal. This is plaintiff’s third failure to  
8 timely comply with an order of the court in this matter. The court is sympathetic to plaintiff’s pro  
9 se status, but he must comply with orders of this court.

10 “Pro se litigants must follow the same rules of procedure that govern other litigants.”  
11 King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (overruled on other grounds). The Eastern  
12 District Local Rules explain that “[a]ny individual representing himself or herself without an  
13 attorney is bound by the Federal Rules of Civil or Criminal Procedure, these Rules, and all other  
14 applicable law. All obligations placed on ‘counsel’ by these Rules apply to individuals appearing  
15 in propria persona. Failure to comply therewith may be ground[s] for dismissal, judgment by  
16 default, or any other sanction appropriate under these Rules.” E.D. Cal. L.R. 183(a).  
17 Furthermore, “[f]ailure of counsel or of a party to comply with these Rules or with any order of  
18 the Court may be grounds for imposition by the Court of any and all sanctions authorized by  
19 statute or Rule or within the inherent power of the Court.” E.D. Cal. L.R. 110.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Within 14 days of this order, plaintiff shall SHOW CAUSE in writing why the court  
22 should not impose monetary sanctions and/or dismiss this action based upon plaintiff’s  
23 failure to follow the court’s previous order.

24 Dated: November 26, 2018

25   
26 CAROLYN K. DELANEY  
27 UNITED STATES MAGISTRATE JUDGE  
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