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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORREY SELCK,

Plaintiff,

v.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES; STATE
CONTROLLER'S OFFICE,

Defendants.

No. 2:19-cv-1067-JAM-EFB PS

ORDER AND FINDINGS AND
RECOMMENDATIONS

The court previously issued an order setting a status (pretrial scheduling) conference for February 19, 2020.¹ 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. The order also directed the parties to file status reports fourteen days prior to the scheduling conference. ECF No. 9.

Plaintiff did not timely file a status report, nor did he file a proof of service demonstrating that defendant was properly served. *See* Fed. R. Civ. P. 4(l)(l) (requiring that proof of service be made to the court). Accordingly, the status conference was continued, and plaintiff was ordered to show cause, by no later than March 25, 2020, why this case should not be dismissed for failure

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).

1 to effect service of process and/or failure to comply with the court's order. ECF No. 11; *see* Fed.
2 R. Civ. P. 41(b); Fed. R. Civ. P. 4(m); E.D. Cal. L.R. 110 ("Failure of counsel or of a party to
3 comply with these Rules or with any order of the Court may be grounds for imposition by the
4 Court of any and all sanctions authorized by statute or Rule or within the inherent power of the
5 Court."); *see also* E.D. Cal. L.R. 183 ("Any individual representing himself or herself without an
6 attorney is bound by the Federal Rules of Civil or Criminal Procedure and by these Local
7 Rules."). Plaintiff was also admonished that failure to do so would result in a recommendation
8 that this action be dismissed. *Id.*

9 The deadline has passed, and plaintiff has not responded to the court's order to show
10 cause.²

11 Accordingly, it is hereby ORDERED that the April 8, 2020 scheduling conference is
12 vacated.

13 Further, it is RECOMMENDED that this action be dismissed for failure to timely effect
14 services of process, failure to comply with court orders, and for lack of prosecution.

15 These findings and recommendations are submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
17 after being served with these findings and recommendations, any party may file written
18 objections with the court and serve a copy on all parties. Such a document should be captioned
19 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
20 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
21 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

22 Dated: April 6, 2020.

23 
24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE

26 _____
27 ² Although it appears from the file that plaintiff's copy of the order was returned, plaintiff
28 was properly served. It is the plaintiff's responsibility to keep the court apprised of his current
address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of
the party is fully effective.