

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RYAN INDIANA CURRY,

Plaintiff,

v.

SESSIONS, *et al.*,

Defendants.

Case No. 2:20-cv-00227-TLN-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH COURT ORDERS

RESPONSE DUE WITHIN TWENTY-ONE
DAYS

Defendants have filed a motion that seeks terminating sanction pursuant to Federal Rule of Civil Procedure 37. ECF No. 43. On March 9, 2021, I ordered plaintiff to file a response to defendants' motion by no later than March 30, 2021. ECF No. 44. In violation of that order, plaintiff failed to file either an opposition or statement of non-opposition to defendants' motion.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff will be given a chance to explain why the court should not dismiss the case for his failure to timely file an opposition or statement of non-opposition to defendants' motion for sanctions. Plaintiff's failure to respond to this order will constitute another failure to comply with a court order and will result in a recommendation that this action be dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why this case should not be dismissed for failure to prosecute and failure to comply with court orders. Should plaintiff wish to continue with this action, he shall, within twenty-one days, file an opposition or statement of non-opposition to defendants' motion for sanctions.

IT IS SO ORDERED.

Dated: April 23, 2021



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE