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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SONIA MAREE MILLER,

Plaintiff,

v.

SACRAMENTO CITY UNIFIED
SCHOOL DISTRICT,

Defendant.

No. 2:21-cv-0757-JAM-CKD PS

ORDER TO SHOW CAUSE

Plaintiff is proceeding without counsel in this fee-paid employment discrimination action against her employer, the Sacramento City Unified School District (the “School District”). Plaintiff filed her original complaint against the School District as well as her teacher’s union and two school administrators. (ECF No. 1.) Plaintiff voluntarily dismissed her claims against one of the administrators, Judy Yang (ECF Nos. 23, 24), and on October 14, 2021, after a hearing, the undersigned recommended granting the other three defendants’ motions to dismiss (ECF No. 29). The undersigned recommended dismissing with prejudice all claims against the teacher’s union and the other school administrator, Norman Hernandez. (ECF No. 29 at 24.) The undersigned also recommended dismissing all claims against the School District, but with leave to amend so that plaintiff could try again to state any timely claims she may have against that defendant, addressing the deficiencies identified in the findings and recommendations. (Id.)

1 The October 14th findings and recommendations also contained an order that—within 30
2 days of the District Judge’s order regarding the findings and recommendations—plaintiff was to
3 either file any First Amended Complaint or notify the court of her voluntary dismissal of the
4 action. (Id. at 23.) The order also warned that failure to timely amend the complaint would result
5 in a recommendation that the case be dismissed with prejudice for failure to comply with a court
6 order, under Federal Rule of Civil Procedure 41(b). (Id. at 24.)

7 On November 5, 2021, the assigned District Judge issued an order adopting the findings
8 and recommendations in full. (ECF No. 31.) Thus, plaintiff’s First Amended Complaint or
9 notice of voluntary dismissal was due on December 6, 2021 (with December 5th being a Sunday,
10 see Fed. R. Civ. P. 6(a)(1)(C)). The court has received neither these nor any other filings from
11 plaintiff since the October 14th findings and recommendations issued.

12 The court could recommend that this action be dismissed outright due to this missed
13 deadline. Nevertheless, in light of plaintiff’s self-represented status and the court’s desire to
14 resolve the action on the merits, the court first attempts lesser sanctions by issuing this order to
15 show cause.

16 Accordingly, IT IS ORDERED that:

- 17 1. Within 14 days of the date of this order, plaintiff shall show cause in writing why
18 this action should not be dismissed with prejudice pursuant to Federal Rule of
19 Civil Procedure 41(b) based on plaintiff’s failure to comply with the court’s order
20 and failure to continue prosecuting this case;
- 21 2. Plaintiff’s filing within that deadline of a First Amended Complaint (or a notice of
22 voluntary dismissal) in compliance with the undersigned’s October 14, 2021
23 findings and recommendations shall satisfy this order to show cause; and

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3. Failure to timely comply with the terms of this order will result in a recommendation that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

Dated: December 8, 2021



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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