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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

STEVEN L. KLIEGMAN,

Plaintiff,

v.

COUNTY OF HUMBOLDT,

Defendant.

No. C 09-0006 NJV

ORDER TO SHOW CAUSE

Plaintiff Steven L. Kliegman, by and through his counsel, filed a complaint on January 1, 2009 against defendant County of Humboldt alleging denial of right of access under Americans with Disabilities Act, the Rehabilitation Act, the Unruh Act, and various provisions of the California Health and Safety Code and the California Code of Regulations. (Doc #1) Plaintiff's complaint seeks both monetary damages and injunctive relief. *Id.* On December 7, 2009, the Court granted Plaintiff's counsel's motion to withdraw as counsel and provided Plaintiff with thirty (30) days to identify new counsel or indicate his intention to proceed *pro se*. On May 17, 2010, due to plaintiff's failure to respond to the Court's December 7, 2009 order regarding his intention to obtain new counsel or represent himself, the Court substituted plaintiff *pro se* and relieved his former counsel. (Doc. #31)

1 On January 20, 2010, a status conference was set for February 16, 2010. Plaintiff failed to
2 appear at the February 16, 2010 status conference, and another status conference was set for March
3 16, 2010, at which Plaintiff appeared *pro se*.

4 On April 15, 2010, defendant filed a motion for judgment on the pleadings, to which plaintiff
5 did not file a timely response. On May 17, 2010, the Court ordered plaintiff to respond to
6 defendant's motion for judgment on the pleadings by May 24, 2010. (Doc. #32) Although plaintiff
7 failed to respond to the motion, it was ultimately denied by the Court on June 10, 2010.

8 In its order denying defendant's motion, the Court set a case management conference for
9 August 24, 2010 and ordered the parties to submit a Joint Case Management and Pretrial Order no
10 later than July 2, 2010. (Doc. #33) On July 2, 2010, defendant submitted a pretrial conference
11 statement indicating that plaintiff failed to respond to multiple requests that he contact defense
12 counsel in order to prepare the aforementioned Joint Case Management and Pretrial Order. *Id.*
13 Defendant also indicated that it has been "hampered in preparing for trial due to defendant's inability
14 to establish contact with plaintiff in order to meet and confer regarding trial issues." *Id.* At 3.

15 Plaintiff Steven L. Kleigman is therefore ORDERED TO SHOW CAUSE in writing why this
16 case should not be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil
17 Procedure 41(b). Plaintiff must file his response in writing by no later than August 13, 2010.
18 Plaintiff is advised that his failure to show cause in writing may result in the court dismissing his
19 case.

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21 IT IS SO ORDERED.

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23 Dated: July 21, 2010


NANDOR J. VADAS
United States Magistrate Judge

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on July 21, 2010, I served a true and correct copy of the attached Order to Show Cause, by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Steven L. Kliegman
P.O. Box 204
Piercy, CA 95587

Chris Wolpert
Chris Wolpert
Administrative Law Clerk to the
Honorable Nandor J. Vadas