IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LESLIE BARNES MARKS,

Plaintiff,

v.

TOM CHICOINE,

Defendant.

/

No. C 06-06806 SI

ORDER DIRECTING CLERK TO ENTER DEFAULT FOR FAILURE TO SHOW CAUSE

By Order dated July 8, 2008, this Court ordered both parties to appear for a case management conference at 3:30 p.m. on Wednesday, August 13, 2008. Defendant was specifically ordered to file, by August 1, 2008, a written case management statement explaining why he has been unresponsive to plaintiff and to the Court in this litigation. In addition, defendant was ordered to appear in person at the status conference or to arrange with the courtroom deputy for a telephonic appearance. Defendant was informed that his failure to comply with this order might lead to a variety of sanctions, including a default judgment. On August 7, 2008, the order served on defendant Chicoine by mail at the address he provided to the court (1138 Glenayre Drive, Neenah, WI 94965) was returned to sender, undeliverable.

The case management conference proceeded on August 13, 2008. Plaintiff was present; defendant did not appear, in person or by phone nor did he contact the Court in any way concerning his absence. At the conference, plaintiff agreed to make further efforts to locate defendant. By letter dated August 16, 2008, plaintiff has informed the court that she has been unable to obtain a verifiable current address for defendant. Docket No. 115.

Defendant has clearly violated Local Rule 3-11, which requires that "a party proceeding pro se

whose address changes while an action is pending must promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address." Accordingly, defendant Chicoine was ordered to show cause, in writing filed no later than September 5, 2008, why he should not be declared in default in this matter. Defendant failed to respond to the order by the filing deadline. Therefore, the Court orders the clerk to enter a DEFAULT for plaintiff.

IT IS SO ORDERED.

Dated:

SUSAN ILLSTON
United States District Judge

9.15.08

United States District Court
For the Northern District of California