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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

DIANA KATRINA BROWN,

No. C 14-00825 LB

Plaintiff,

**ORDER TO SHOW CAUSE RE:
FAILURE TO PROSECUTE**

v.

UNITED STATES OF AMERICA,

[Re: ECF No. 9]

Defendants.
_____ /

On February 24, 2014, plaintiff Diana Katrina Brown (the “Plaintiff” or “Ms. Brown”) filed a complaint against the United States of America for civil rights violations pursuant to 42 U.S.C. § 1983. Complaint, ECF No. 1.¹ Someone named William Leon Marotz (“Mr. Marotz”) signed and filed the complaint on Plaintiff’s behalf. *Id.* According to the court’s search in the State Bar of California’s online database located on the bar’s website, it does not appear that Mr. Marotz is an attorney licensed to practice law in California.

On March 24, 2014, Mr. Marotz filed a “motion to dismiss,” presumably pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i),² due to his inability “to communicate with [Ms. Brown] for a

¹ Citations are the Electronic Case File (“ECF”) with pin cites to the electronically-generated page numbers at the top of the document.

² Federal Rule of Civil Procedure 41(a)(1)(A)(i) allows a plaintiff to dismiss an action by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”

1 month” and his concerns that “she is injured to the point [that he] believes she does not comprehend
2 the seriousness of her injuries.” Motion to Dismiss, ECF No. 9 at 1. Mr. Marotz’s signature is the
3 only one on the pending motion. *Id.* The court is concerned that Mr. Marotz is not a licensed
4 attorney, and therefore, he would be unable to represent her or file the pending “motion to dismiss”
5 on her behalf.

6 28 U.S.C. § 1654 provides that “in all courts of the United States the parties may plead and
7 conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are
8 permitted to manage and conduct causes therein.” Moreover, under Civil Local Rule 3-9(a), “[a]ny
9 party representing him or herself without an attorney must appear personally and *may not delegate*
10 *that duty to any other person who is not a member of the bar of this Court.*” (emphasis added).
11 Thus, if Mr. Marotz indeed is not a licensed attorney by the bar of this court then he would not have
12 had the authority to file Ms. Brown’s complaint or the pending motion.

13 Over one month has passed since the complaint was filed. Ms. Brown has made no personal
14 attempt to begin prosecuting the case, and Mr. Marotz may not be an attorney. Accordingly, the
15 court **ORDERS** Ms. Brown to show cause why this action should not be dismissed for failure to
16 prosecute. She shall do so by filing a written response **no later than 4:00 p.m. on Friday, April**
17 **18, 2014.** The court sets **a show cause hearing for Thursday, April 24, 2014 at 11:00 a.m.** in
18 Courtroom C, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco,
19 California, 94102.

20 To assist her, the court attaches to this order a copy of the district court's *Handbook for Litigants*
21 *Without a Lawyer*. It provides instructions on how to proceed at every stage of your case, including
22 discovery, motions, and trial. Ms. Brown also may wish to seek assistance from the Legal Help
23 Center, a free service offered by the Justice & Diversity Center of the Bar Association of San
24 Francisco, by calling 415-782-8982, or by signing up for an appointment on the 15th Floor of the
25 Federal Courthouse in San Francisco, 450 Golden Gate Avenue, San Francisco, California. At the
26 Legal Help Center, you will be able to speak with an attorney who may be able to provide basic
27 legal help but not representation.

28 Given that the court has only Mr. Marotz’s contact information, the court **ORDERS** him to try to

1 provide Ms. Brown with a copy of this order. The court will send him a copy of this order at the
2 mailing address (William Leon Marotz, General Delivery, San Francisco, California, 94142) and
3 email address (william.marotz@yahoo.com) he provides on the complaint and motion.

4 **IT IS SO ORDERED.**

5 Dated: April 7, 2014

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8 LAUREL BEELER
9 United States Magistrate Judge
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