

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
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAPOLLIANA W. TSOI,
Plaintiff,

v.

EPISCOPAL COMMUNITY SERVICES
OF SAN FRANCISCO,
Defendant.Case No. [14-cv-02333-RS](#)**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED**

Plaintiff Polliana W. Tsoi filed this action in May of 2014. Her pleadings are handwritten and difficult to decipher, but the gravamen of her complaint appears to be that she was harassed and mistreated while living at a shelter operated by defendant Episcopal Community Services. Some of the alleged harassment was from fellow residents that defendant purportedly failed to control, and some came directly from defendants' employees.

Defendant answered in June of 2014. Citing health and other problems, plaintiff sought and was granted several continuances of the initial Case Management Conference. The CMC eventually went forward in February of this year, and the parties were ordered to participate in a settlement conference with a magistrate judge.

Plaintiff failed to attend the settlement conference. Although she filed a motion to be "exempted" from the settlement conference that same day, in light of her failure to seek relief in advance of her failure to appear, the magistrate judge issued an order to show cause. See Dkt. No. 42. Plaintiff then failed to attend the hearing on the magistrate judge's order to show cause, although she did communicate with the court through certain filings and telephone calls, as

1 described in the magistrate judge's subsequent Report and Recommendation. See Dkt. No. 45.
2 Because plaintiff's conduct made it impossible to move forward with a settlement conference,
3 however, the magistrate judge recommended that a further order to show cause be issued by the
4 undersigned.

5 That order to show cause issued in September of this year. While plaintiff thereafter filed
6 certain other motions, which were denied, she never directly responded to that order to show
7 cause, other than twice to seek continuance of the hearing. On the morning of the hearing, plaintiff
8 telephoned the court and advised that she would not attend.

9 On this record, while plaintiff has made some minimal efforts to stay in communication
10 with the court, her course of conduct demonstrates an unwillingness and/or inability to comply
11 with court orders and rules such that the case has not moved forward and cannot be expected to.
12 Accordingly, plaintiff is ordered to appear in person at 1:30 p.m. on January 28, 2016 in
13 Courtroom 3, Seventeenth Floor of the court, 450 Golden Gate Avenue, San Francisco, and show
14 cause why the case should not be dismissed for her failure to comply with orders and rules and/or
15 for lack of prosecution. No continuances of the hearing will be granted. In the event plaintiff
16 fails to appear, this case may be dismissed without further notice.

17
18

19 **IT IS SO ORDERED.**

20

21 Dated: December 20, 2015

22



RICHARD SEEBORG
United States District Judge

23

24

25

26

27

28