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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KENNETH WOODALL,  
Plaintiff,  
v.  
WELLS FARGO & COMPANY, et al.,  
Defendants.

Case No. [15-cv-05347-JSC](#)

**ORDER TO SHOW CAUSE**

Plaintiff Kenneth Woodall (“Plaintiff”), proceeding pro se, brings this action challenging the conduct of Defendants Wells Fargo & Company and Wells Fargo Bank, N.A. (together, “Defendants”) in connection with the origination, servicing, and foreclosure of his home. The Court previously granted Plaintiff’s Application to Proceed In Forma Pauperis, but deferred review of the complaint pursuant to 28 U.S.C. § 1915(e)(2). (Dkt. No. 4.) The Court’s initial scheduling order directed Plaintiff to file a consent or declination to proceed before a magistrate judge within 14 days. (Dkt. No. 3 at 1.) Plaintiff did not do so. The Clerk’s Office then sent Plaintiff two more notices directing him to file a consent or declination to proceed before a magistrate judge pursuant to the Court’s order. (Dkt. Nos. 5, 6.) Plaintiff still did not respond. In addition, the Court scheduled an initial Case Management Conference for February 25, 2016 and ordered Plaintiff to submit a case management conference statement by February 18, 2016. (Dkt. No. 3.) Plaintiff neither submitted a statement nor appeared at the conference. (Dkt. No. 7.)

Rule 41 accords a district court discretion to dismiss a plaintiff’s action because of his failure to prosecute, to comply with any order of the court, or to comply with the Federal Rules of Civil Procedure. *See, e.g., Hearn v. San Bernardino Police Dep’t*, 530 F.3d 1124, 1129 (9th Cir. 2008); *Ferdik v. Bonzelet*, 963 F.2d 1258 (9th Cir. 1992) (affirming dismissal of a pro se

1 prisoner's civil rights action where the plaintiff failed to comply with the court's order to file an  
2 amended pleading), *cert. denied*, 506 U.S. 915 (1992); *Oliva v. Sullivan*, 948 F.2d 272, 273-74  
3 (9th Cir. 1992) (noting that the district court may dismiss sua sponte for failure to meet a court  
4 deadline). Accordingly, the Court ORDERS Plaintiff to SHOW CAUSE why this action should  
5 not be dismissed pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff shall file a written  
6 response to this Order by **March 14, 2016**. In particular, Plaintiff must explain his failure to file a  
7 consent or declination by the deadline, his failure to submit a case management conference  
8 statement, and his failure to appear at the Case Management Conference. If Plaintiff fails to file a  
9 response by that date in compliance with this Order, this action may be dismissed without  
10 prejudice for failure to comply with the Court's orders and failure to prosecute. *See Fed. R. Civ.*  
11 *P. 41(b)*.

12 **IT IS SO ORDERED.**

13 Dated: February 29, 2016

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15 JACQUELINE SCOTT CORLEY  
16 United States Magistrate Judge  
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Case No. [15-cv-05347-JSC](#)

**CERTIFICATE OF SERVICE**

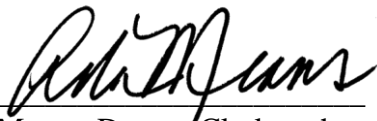
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 29, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kenneth Woodall  
23 Elm Street  
Woodland, CA 95695

Dated: February 29, 2016

Susan Y. Soong  
Clerk, United States District Court

By:   
Ada Means, Deputy Clerk to the  
Honorable JACQUELINE SCOTT CORLEY