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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VINTON P. FROST,
Plaintiff,
v.
UNITED STATES DEPARTMENT OF
JUSTICE,
Defendant.

Case No. 17-cv-01240-JCS

ORDER TO SHOW CAUSE

On May 15, 2017, the Court dismissed with prejudice two unserved defendants, Melanie Ann Pustay and Sean O’Neill, who were sued in their official capacities as employees of the Department of Justice. The Court dismissed the Office of Information Policy (a division of the Department of Justice) on June 28, 2017, and subsequently granted motions for summary judgment in favor of the remaining Defendant, the Department of Justice, on April 4, 2018 and March 13, 2019. The Court entered judgment in favor of the Department of Justice on March 13, 2019. *See* Dkt. Nos. 95, 119, 120. Plaintiff appealed to the Ninth Circuit and on June 25, 2020, the Ninth Circuit reversed and remanded because the dismissed, unserved defendants (Defendants Pustay and O’Neill) had not consented to proceed before a magistrate judge before they were dismissed. *See* Dkt. No. 124 (Ninth Circuit Order). The Court of Appeals did not address Plaintiff’s appeal on the merits.

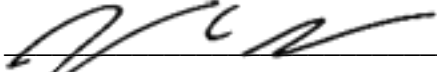
On July 20, 2020, counsel for the Department of Justice consented to magistrate judge jurisdiction under 28 U.S.C. § 636(c) on behalf of all named defendants, including Pustay and O’Neill. *See* Dkt. No. 127. The Court therefore **ORDERS PLAINTIFF TO SHOW CAUSE** why it should not reenter its order dismissing Defendants Pustay and O’Neill and enter a new judgment so that Plaintiff may proceed with his appeal on the merits. Plaintiff may file a written response to

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this Order no later than **November 23, 2020**. No hearing will be held.

IT IS SO ORDERED.

Dated: October 23, 2020



JOSEPH C. SPERO
Chief Magistrate Judge