UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

MICHAEL PETERSEN,

Plaintiff,

v.

CITY OF OAKLEY, et al.,

Defendants.

Case No. 18-cv-02448-LB

ORDER DISMISSING CASE

On November 24, 2019, after the plaintiff failed to appear for his ENE session on November 4, 2019, the court issued an order to show cause why the court should not dismiss the case for the plaintiff's failure to prosecute it, ordered the plaintiff's counsel to file a written update about his efforts to locate the plaintiff by December 3, 2019, and directed the plaintiff to appear in person at the show-cause hearing on December 5, 2019.[1] The plaintiff did not file an update on December 3, 2019. On December 4, 2019, the court issued an order reminding the plaintiff that his written update was past due and that his failure to prosecute his case risked dismissal of his case.[2] At the

[1] Order – ECF No. 79 at 1. Citations refer to material in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of documents.

[2] Order – ECF No. 80 at 1.

December 5 hearing, the plaintiff's counsel explained that he still was unable to locate the plaintiff.[3]

The court's earlier order describes Mr. Peterson's failure to prosecute his case, beginning with discovery issues in 2018, more issues in 2019, and the plaintiff's failures to comply with court orders.[4] In orders filed on March 1, 2019 and June 24, 2019, the court warned Mr. Peterson of the consequences of failing to prosecute his case, including monetary and terminating sanctions.[5] The court repeated these warnings in the order to show cause filed on November 14, 2019.[6]

Under the circumstances, the court dismisses the case with prejudice based on the plaintiff's failure to prosecute it.

IT IS SO ORDERED.

Dated: December 5, 2019

LAUREL BEELER
United States Magistrate Judge

[3] *See* Order – ECF No. 79 at 3–4 (describing Mr. Peterson's situation).

[4] Order – ECF No. 79 at 1–4.

[5] Order – ECF No. 53 at 3–5; Order – ECF No. 66 at 3.

[6] Order – ECF No. 79 at 4;