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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GABRIEL L. JORDAN,
Plaintiff,
vs.
ESPINOZA, ET AL.,
Defendants.

CASE NO. 14-cv-02113-YGR

**ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PROSECUTE**

The Court has attempted to hold a case management conference in the above-captioned action several times since plaintiff was released from custody in September 2016, but plaintiff has continuously failed to appear or failed to meet court-ordered deadlines. Specifically:

On October 24, 2016, the Court held an initial case management conference, but plaintiff failed to appear at the same. (Dkt. No. 96.) On October 26, 2016, the Court issued an order to show cause regarding plaintiff's failure to prosecute, explaining that plaintiff's failure to file a written response or appear at the hearing on such order may result in dismissal of his action. (Dkt. No. 97.) The Court held a hearing on such order to show cause on November 10, 2016, but again, plaintiff did not appear, nor did plaintiff file a written response. (Dkt. No. 98.) Thus, on November 21, 2016, the Court dismissed plaintiff's action without prejudice for failure to prosecute. (Dkt. No. 99.)

On November 30, 2016, the Court received a communication from plaintiff, explaining that he had been in custody. (Dkt. No. 101.) On the basis of such communication, the Court withdrew its order dismissing the case, and set another case management conference for February 27, 2017. (Dkt. No. 102.) Per the Local Rules and the Court's standing order, plaintiff was required to file a case management statement by February 20, 2017 in preparation for the case management conference. Plaintiff failed to do so. On February 22, 2017, the Court issued a second order to show cause for failure to prosecute, requiring that plaintiff respond by March 24,

1 2017 and vacating the February 27, 2017 case management conference again. (Dkt. No. 106.) On
2 March 23, 2017, plaintiff filed a response to the order to show cause, indicating his intent to
3 continue his prosecution of this action. On such basis, the Court reset the case management
4 conference for a third time on May 15, 2017. (Dkt. No. 111.) Plaintiff again failed to file a case
5 management statement in advance of the conference and then failed to appear for the case
6 management conference on May 15, 2017. (Dkt. No. 114.)

7 In light of the above case history and pursuant to Federal Rule of Civil Procedure 41, the
8 above-captioned action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. The Clerk
9 shall close the file.

10 **IT IS SO ORDERED.**

11 Dated: May 16, 2017


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE