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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREALIUS QUINCY LILLARD,
Plaintiff,
v.
CAROLYN W. COLVIN,
Defendant.

Case No. [15-cv-01279-KAW](#)

**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

On August 27, 2015, the Court granted Plaintiff’s counsel’s motion to withdraw as counsel of record, and extended Plaintiff’s time to file a motion for summary judgment to October 12, 2015. (Dkt. No. 16.) Therein, the Court provided Plaintiff with the contact information for the Federal Pro Bono Project’s Help Desk, as well as the district court’s manual for pro se litigants, to assist him in representing himself. To date, Plaintiff has not filed a motion for summary judgment.

On November 25, 2015, Defendant filed a motion for summary judgment and/or dismissal for failure to prosecute. (Dkt. No. 17.) Plaintiff did not file an opposition. On January 15, 2016, the Court issued an order to show cause to Plaintiff to explain why the case should not be dismissed for failure to prosecute, and ordered him to file both a written response to the order to show cause and either an opposition and cross-motion for summary judgment or a notice of non-opposition to Defendant’s motion for summary judgment. (Dkt. No. 19.) The response deadline was February 19, 2016. *Id.* On January 18, 2016, pursuant to Civil Local Rule 11-5(b), the order to show cause was served on Plaintiff via U.S. Mail by his former attorney. (Dkt. No. 20.) To date, Plaintiff has not responded to the OSC nor has he filed any documents in connection with his case.

Federal Rule of Civil Procedure 41(b) permits the involuntary dismissal of an action or

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claim for a plaintiff’s failure to prosecute. *See Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) (“authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power’”). Unless otherwise stated, a dismissal under Rule 41(b) “operates as an adjudication on the merits.” Fed. R. Civ. P. 41(b).

In light of the foregoing, the case is dismissed without prejudice for failure to prosecute.

Plaintiff’s former counsel shall serve a copy of this order on Plaintiff at his last known address.

IT IS SO ORDERED.

Dated: March 10, 2016


KANDIS A. WESTMORE
United States Magistrate Judge