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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED W. PARKER,  
Plaintiff,  
v.  
DEPUTY SPADARO,  
Defendant.

Case No. 17-cv-01210-HSG (PR)

**ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE  
DISMISSED**

On March 8, 2017, plaintiff, at the time an inmate at the Martinez Detention Facility in Contra Costa County, filed a pro se civil rights action pursuant to 42 U.S.C. § 1983. The case was referred to the Pro Se Prisoner Settlement Program for early settlement proceedings. On May 7, 2018, mail sent to plaintiff by the court was returned to the Clerk of the Court as undeliverable with a notation that plaintiff was not in custody (“NIC”). Dkt. No. 32. On July 17, 2018, the Court dismissed the action without prejudice pursuant to Northern District Local Rule 3-11 for plaintiff’s failure to notify the Court of his current address. Dkt. No. 35.

On August 2, 2018, plaintiff filed a motion to reopen the action and a notice of change of address, informing the Court that he has been released from custody. Dkt. No. 37. On August 29, 2018, the Court reopened the action and reinstated the referral to the Pro Se Prisoner Settlement Program. Dkt. No. 38. On September 4, 2018, Magistrate Judge Illman, who oversees the settlement program, set a September 11, 2018 date for purposes of scheduling the settlement conference. Dkt. No. 39. The September 11, 2018 minute entry indicates that plaintiff did not appear at the conference. Dkt. No. 40. The matter was set over to September 25, 2018 to allow plaintiff one further opportunity to participate. See id. The September 25, 2018 minute entry


1 indicates that plaintiff again did not appear. Dkt. No. 41. The action was returned to the  
2 undersigned. See id.

3 Plaintiff's refusal to attend the settlement conference must now be addressed.  
4 Accordingly, plaintiff is ORDERED TO SHOW CAUSE why this action should not be dismissed  
5 for failure to prosecute and/or failure to comply with a court order. Plaintiff must file a written  
6 response to this order to show cause no later than **October 30, 2018**, and his response must be  
7 made under penalty of perjury. In his response, plaintiff must explain every reason why he did not  
8 attend the settlement conference, and may provide any other information he believes may explain  
9 why this action should not be dismissed due to his refusal to attend the settlement conference.  
10 Defendant may submit evidence and argument replying to plaintiff's response no later than  
11 **November 14, 2018**.

12 **Plaintiff's failure to respond to this order may result in the dismissal of this action for**  
13 **failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).**

14 **IT IS SO ORDERED.**

15 Dated: 9/28/2018

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18 HAYWOOD S. GILLIAM, JR.  
19 United States District Judge  
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