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8	UNITED STATES DISTRICT COURT		
9 10	SOUTHERN DISTRICT OF CALIFORNIA		
10 11	ARPAD STRUTHMANN,	CASE NO 00	Ccv2265 WQH (BLM)
11	Plaintiff,	ORDER	CV2203 WQII (BLWI)
12	VS.	ORDER	
14	COUNTY OF SAN DIEGO; and DOES 1-20,		
15	Defendants.		
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17	HAYES. Judge:		
18	The matter before the Court is Defendant's Motion to Dismiss for Lack of Prosecution.		
19	(Doc. # 21).		
20	BACKGROUND		
21	Plaintiff Arpad Struthmann filed his complaint on December 5, 2008. (Doc. # 1).		
22	Plaintiff was initially represented by counsel, but in March of 2009, Plaintiff substituted himself in pro per. (Docs. # 8, 9, 12). On April 20, 2009, Plaintiff failed to appear at case		
23	management conference before Magistrate Judge Barbara Lynn Major. (Doc. # 14). The		
24	Magistrate Judge then ordered Plaintiff to Show Cause Why Sanctions Should Not Be		
25	Imposed. (Doc. # 14). The Magistrate Judge also ordered Plaintiff to appear in her court on		
26	May 14, 2009 to explain his absence. (Doc. # 14). Plaintiff failed to respond to the Order to		
27 Show Cause and failed to appear at the associated hearing. (Docs. # 17			cs. # 17, 18). Despite
28	Plaintiff's failure to comply with the Schedu	lling Order and the Or	der to Show Cause, the
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1	Magistrate Judge declined to impose sanctions. (Doc. # 18). The Magistrate Judge's Order		
2	Declining to Impose Sanctions was mailed to Plaintiff's address, but was returned as		
3	undeliverable. (Doc. # 19). Defendant subsequently mailed discovery requests to Plaintiff,		
4	which were also returned as undeliverable. (Doc. # 20). Plaintiff has not complied with the		
5	Court's discovery order and has not taken any action in this case since March 16, 2009.		
6	On August 10, 2009, Defendant filed a Motion to Dismiss for Failure to Prosecute.		
7	(Doc. # 21). In their motion, Defendant contends it has continued to comply with the		
8	Magistrate Judge's Discovery Order (Doc. # 15) despite Plaintiff's failure to do so, incurring		
9	expenses on a case that Plaintiff appears to have abandoned (Doc. # 21). Defendant further		
10	contends that Plaintiff's conduct has prejudiced Defendant and that Plaintiff's actions		
11	constitute bad faith. (Doc. # 21).		
12	On October 29, 2009, the Court issued an order to show cause which stated in part:		
13	Pursuant to Federal Rule of Civil Procedure 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action" Pursuant to Local Civil Rule 41.1, "[a]ctions or proceedings which have been pending in this court for more than six months, without any proceeding or discovery having been taken therein during such period, may, after notice, be dismissed by the court for want of prosecution." Plaintiff has not taken any action to advance his case in the past seven months. Plaintiff failed to comply with the Federal Rules of Civil Procedure by refusing to participate in discovery and failed to comply with the Magistrate Judge's Scheduling Order and Order to Show Cause. Plaintiff is hereby ORDERED TO SHOW CAUSE as to why this case should not be dismissed.		
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19	(Doc. # 24 at 2).		
20	To date, Plaintiff has failed to file a response to the Court's Order to Show Cause.		
21	ORDER		
22	IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Lack of		
23	Prosecution (Doc. # 21) is GRANTED and that this action is DISMISSED without prejudice.		
24	DATED: January 6, 2010		
25	William 2. Mayes		
26	WILLIAM Q. HAYES United States District Judge		
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