

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
14 to prosecute or to comply with these rules or a court order, a defendant may
15 move to dismiss the action" Pursuant to Local Civil Rule 41.1, "[a]ctions
16 or proceedings which have been pending in this court for more than six months,
17 without any proceeding or discovery having been taken therein during such
18 period, may, after notice, be dismissed by the court for want of prosecution."
19 Plaintiff has not taken any action to advance his case in the past seven months.
20 Plaintiff failed to comply with the Federal Rules of Civil Procedure by refusing
21 to participate in discovery and failed to comply with the Magistrate Judge's
22 Scheduling Order and Order to Show Cause. Plaintiff is hereby ORDERED TO
23 SHOW CAUSE as to why this case should not be dismissed.

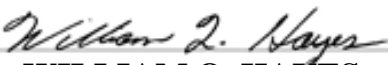
24 (Doc. # 24 at 2).

25 To date, Plaintiff has failed to file a response to the Court's Order to Show Cause.

26 **ORDER**

27 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Lack of
28 Prosecution (Doc. # 21) is **GRANTED** and that this action is **DISMISSED** without prejudice.

DATED: January 6, 2010


WILLIAM Q. HAYES
United States District Judge