

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-02664-REB-BNB

JOSHUA C. JOHNSON,

Plaintiff,

v.

GEORGE SANTINI,
ALICIA VINYARD,
T. K. COZZA RHODES, and
PETER BLUDWORTH,

Defendants.

ORDER

This matter arises on my Order to Show Cause [Doc. # 46, filed 10/3/2014] and the plaintiff's Motion for a Rehearing [Doc. # 47, filed 10/3/2014] which is construed as a response to the Order to Show Cause.

By an Order [Doc. # 44, filed 9/2/2014] a preliminary scheduling conference was set to occur on September 29, 2014, at 10:00 a.m. The Order required the plaintiff and his case manager to contact the court at that date and time to participate in the preliminary scheduling conference. Defendants' counsel appeared as required, but the plaintiff, who is proceeding pro se, neither appeared nor contacted the court in any way.

Local rule of practice 41.1, D.C.COLO.LCivR, provides:

A judicial officer may issue an order to show cause why a case should not be dismissed for failure to prosecute or failure to comply with these rules, the Federal Rules of Civil Procedure, or a

court order. If good cause is not shown, a district judge or a magistrate judge exercising consent jurisdiction may enter an order of dismissal with or without prejudice.

The plaintiff was ordered to show cause why the action should not be dismissed pursuant to D.C.COLO.LCivR 41.1 for lack of prosecution and failure to comply with the Order [Doc. # 44] setting the preliminary scheduling conference.

The plaintiff's response recites that the plaintiff was unexpectedly called to the Receiving and Discharge department of his institution for an "outside medical trip in the local community" on September 29, 2014, at 9:00 a.m., just one hour before the preliminary scheduling conference. Consequently, and despite the plaintiff's efforts to the contrary, he was not available to participate in the hearing. The plaintiff has demonstrated good cause for his failure.

IT IS ORDERED:

- (1) The Order to Show Cause [Doc. # 46] is DISCHARGED.
- (2) A supplemental preliminary scheduling conference is set for October 24, 2014, at 9:00 a.m., in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. The plaintiff and his case manager shall contact the court at 303-844-6408 at the designated date and time to participate in the supplemental preliminary scheduling conference.
- (3) The Clerk of the Court is directed to serve a copy of this Order by United States mail, first class postage prepaid, to:

Case Manager for Joshua C. Johnson #16158-006
Springfield Medical Center/Federal Prisoners
P.O. Box 400
Springfield, MO 65801.

Dated October 7, 2014.

BY THE COURT:

s/ Boyd N. Boland

United States Magistrate Judge