

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-02282-NYW

KATHERINE CARPENTER,

Plaintiff,

v.

TOWN OF JOHNSTOWN, COLORADO,

Defendant.

ORDER OF DISMISSAL

Magistrate Judge Nina Y. Wang

This matter is before the court following Plaintiff Katherine Carpenter's failure to respond to the Order to Show Cause issued February 16, 2016. [#28]. This civil action is before the undersigned Magistrate Judge for a merits determination pursuant to 28 U.S.C. § 636(c)(1) and the Order of Reference Upon Consent to Jurisdiction of Magistrate Judge [#13]. For the following reasons, I ORDER this action DISMISSED without prejudice.

Plaintiff Katherine Carpenter initiated this civil action on October 14, 2015, by filing a Complaint through her attorney Richard Blundell. *See* [#1]. On January 1, 2016, Mr. Blundell filed a Motion to Withdraw his representation of Plaintiff in this lawsuit, stating that he could no longer effectively represent her nor comply with his obligations under the Federal Rules of Civil Procedure. [#22]. Despite a court order instructing Plaintiff to appear in person at the February 12, 2016 hearing on the Motion to Withdraw, she did not attend nor did she contact the court in any manner. *See* [#23, #26]. The court granted the Motion to Withdraw at that time, and stated

for the record the advisement that Plaintiff, proceeding *pro se*, is responsible for adhering to the Federal Rules of Civil Procedure and the Local Rules of the District of Colorado, as is required of all litigants. The court then issued a separate Order directing Plaintiff to show cause in writing and on or before March 1, 2016, why this case should not be dismissed pursuant to D.C.COLO.LCivR 41.1 for lack of prosecution and failure to appear for the February 12, 2016 Motion Hearing. [#28]. The Order specifically warned Plaintiff that failure to file a timely, satisfactory written response would result in the court dismissing this case. [*Id.* at 3].

To date, Plaintiff has not filed a Response to the Order to Show Cause, requested an extension of time, or otherwise communicated with the court. The docket in this matter reflects that the Minute Order granting the Motion to Withdraw and the accompanying certificate of service were returned to the Clerk of the Court on February 25, 2016, as undeliverable to the last mailing address provided by Plaintiff. [#30]. The docket further reflects that on February 29, 2016, the Order to Show Cause was similarly returned to the Clerk of the Court as undeliverable to Plaintiff's mailing address. [#31].

ANALYSIS

Local Rule of Practice 41.1 provides:

A judicial officer may issue an order to show cause why a case should not be dismissed for lack of prosecution or for failure to comply with these rules, the Federal Rules of Civil Procedure, or any court order. If good cause is not shown within the time set in the show cause order, a district judge or a magistrate judge exercising consent jurisdiction may enter an order of dismissal with or without prejudice.

D.C.COLO.LCivR 41.1. Additionally, the Rules of this District require an unrepresented party to file a notice of change of mailing address **no later** than five days after the change.

D.C.COLO.LAttyR 5 (emphasis added). Ms. Carpenter has failed to comply with two orders of

this court, has failed to comply with the Local Rules of this District, and has generally demonstrated a failure to prosecute this matter. Accordingly,

IT IS ORDERED that this action is **DISMISSED** without prejudice.

DATED: March 2, 2016

BY THE COURT:

s/ Nina Y. Wang
United States Magistrate Judge