

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MARCO TORRES, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. 17-2130-JAR  
 )  
 KANSAS HEAVY CONSTRUCTION, )  
 L.L.C. )  
 )  
 Defendant. )

**NOTICE AND ORDER TO SHOW CAUSE**

TO THE PLAINTIFF, MARCO TORRES:

Plaintiff is hereby directed to show cause in writing to the Honorable Julie A. Robinson, United States District Judge, on or before **May 11, 2018**, why this action should not be dismissed in its entirety with prejudice, for lack of prosecution under Fed. R. Civ. P. 41(b).

The record reflects that plaintiff has stopped participating in this case. Plaintiff did not respond to his (now former)<sup>1</sup> attorney's attempts to reach him by phone, letter, and e-mail.<sup>2</sup> Plaintiff failed to attend the mediation scheduled in this case.<sup>3</sup> There also is some

<sup>1</sup>Today, the court authorized plaintiff's former counsel to withdraw from the case. ECF No. 42.

<sup>2</sup>See ECF Nos. 32 & 32-1.

<sup>3</sup>ECF No. 30.

indication that plaintiff has failed to respond to defendant's initial discovery.<sup>4</sup>

IT IS THEREFORE ORDERED that plaintiff shall show cause by **May 11, 2018**, why this case should not be dismissed for lack of prosecution.

IT IS FURTHER ORDERED: that the May 11, 2018 final pretrial conference is cancelled and defendant is relieved of its obligation to file a proposed pretrial order by May 1, 2018. If this case survives dismissal under Fed. R. Civ. P. 41(b) and Fed. R. Civ. P. 56 (a motion for summary judgment is pending), the undersigned will reset these deadlines.

Copies of this order shall be mailed to the pro se plaintiff by regular and certified mail.

IT IS SO ORDERED.

Dated April 23, 2018, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge

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<sup>4</sup>See ECF No. 35.