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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUE QIONG CUI,)	
)	CASE NO. C17-00039RSM
Plaintiff,)	
)	
v.)	ORDER OF DISMISSAL
)	
XIAO BING CHEN, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	
)	

This matter comes before the Court *sua sponte* on the Court’s Minute Order to Show Cause. Dkt. #17. On May 11, 2017, the Court directed that the parties’ Joint Status Report was due June 22, 2017. Dkt. #12. As of June 22, 2018, no report had been filed. Accordingly, the Court issued a Minute Order for Plaintiff to show cause by July 13, 2018, why this action should not be dismissed for failure to prosecute and failure to comply with the Court’s previous Order. Dkt. #17. The Court reminded Plaintiff that it was Plaintiff’s responsibility to initiate the Joint Status Report process. *Id.*

Plaintiff has subsequently filed both an attempt at a Joint Status Report and a Response to the Order to Show Cause. On July 4, 2018, Plaintiff filed a document entitled “Joint Status Report & Discovery Plan.” Dkt. #18. This document is not signed by either party and does not

1 contain the required information as set forth in the Court’s Order Regarding Initial Disclosures
2 and Joint Status Report. Furthermore, it is extremely difficult to follow and at times
3 incoherent. For example, Plaintiff states under “discovery plan” the following: “(A) Initial
4 disclosures: My counterclaim is that revert my \$3,000,000.00 funds back for recovering my US
5 citizenship via EB5 immigration way and property plus Vehicle purchase; Anyway, it was used
6 for recover the defendants’ debt & others ... because of love trust!” Id. at 1. On July 5, 2018,
7 Plaintiff filed an additional “Declaration,” which appears to be a Response to the Order to
8 Show Cause, but suffers from the same intermittent incoherence and is also unsigned.
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10 Plaintiff provides several explanations for the delay in prosecuting this case: a)
11 technical issues with an email server, b) residence in China due to an immigration issue, c)
12 persecution by Chinese authorities, d) difficulty in traveling to this country from China, and e)
13 difficulty in viewing Court documents online because of web access in China. Dkt. #19.
14

15 The Court believes that English is not the first language of Plaintiff and that translation
16 issues may be partly to blame for the Court’s confusion. Furthermore, the Court understands
17 that many of the other problems Plaintiff describes in his Declaration, if true, are outside of
18 Plaintiff’s control. However, the fact remains that Plaintiff has been unable to follow the
19 Court’s procedures in conferring with Defendant to file a Joint Status Report. Plaintiff does not
20 adequately explain why this has not been possible. Furthermore, Plaintiff’s technical and
21 political troubles do not fully explain the one-year delay in this case, when Plaintiff took no
22 action.
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25 Given all of the above, the Court finds that Plaintiff has failed to prosecute this case.
26 The Court believes Plaintiff’s difficulties in prosecuting this case may eventually be overcome,
27 at which point Plaintiff could re-file. Accordingly, the Court will dismiss the action without
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1 prejudice. *See* LCR 41(b)(1). In so ruling, the Court takes no position on the underlying merits
2 of Plaintiff's case.

3 Accordingly, the Court hereby finds and ORDERS:

- 4 1) This matter is DISMISSED without prejudice.
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6 2) This case is now CLOSED.
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8 3) The Clerk shall send a copy of this Order to Defendant Xiao Bing Chen at
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10 14400 130th Ave NE Kirkland, WA 98034.

11 DATED this 17 day of July, 2018.

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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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