

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TIMOTHY S. MCNIVEN,

Case No. C17-223RSM

Plaintiff,

ORDER DENYING MOTION FOR
RELIEF FROM DEADLINE AND ORDER
TO SHOW CAUSE

V.

DONALD J. TRUMP,

Defendant.

This matter comes before the Court on Plaintiff Timothy S. McNiven's Motion for Extension on the Lawsuit, which the Court interprets as a motion for relief from the upcoming joint status report, Rule 26(f) conference, and initial disclosure deadlines. Dkt. #5; *see also* LCR 7(j) (local rule setting forth procedure for moving for relief from a deadline). These deadlines all occur in June of 2017. Dkt. #4. No action has been taken by Plaintiff in this case after filing his Complaint, and Defendant has not made an appearance. Plaintiff now moves the Court for relief from the above deadlines because he "had a Tooth break off under the gum-line," he has surgery scheduled for July 20, 2017, and he would "like to have at least a month off for my mouth to heal since I have to talk for myself in this pro se case." Dkt. #5.

The Court finds that Plaintiff has presented insufficient evidence to justify his requested relief from deadlines. The upcoming deadlines occur prior to Plaintiff's scheduled surgery and

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1 Plaintiff has presented no evidence that he cannot meet these deadlines in his current condition.
2 Furthermore, there are no other upcoming events in this matter, such as oral argument, that
3 require Plaintiff to speak before the Court. The Court will thus deny Plaintiff's Motion.

4 Plaintiff does not appear to be prosecuting his case given Defendant's failure to answer
5 or otherwise respond. Furthermore, the Court is concerned that Plaintiff has failed to properly
6 serve Defendant President Donald J. Trump as required under Federal Rule of Civil Procedure
7 4(i). Accordingly, the Court now issues an Order to Show Cause why this case should not be
8 dismissed for failure to prosecute and for improper service. In Response to this Order, Plaintiff
9 must write a short statement telling the Court: (1) if he intends to proceed with his claims; (2)
10 the reason for his failure to take any action in this matter since filing and serving his
11 Complaint; (3) why his method of service was proper.

14 After considering Plaintiff's Motion and the remainder of the record, the Court hereby
15 finds and ORDERS:

16 (1) Plaintiff Timothy S. McNiven's Motion for Extension on the Lawsuit (Dkt. #5) is
17 DENIED.

19 (2) Plaintiff shall file a Response to this Order to Show Cause containing the detail
20 described above **no later than ten (10) days** from the date of this Order. **This**
21 **Response is not to exceed five (5) pages.** Failure to respond could result in
22 dismissal of this case.

24 DATED this 30 day of May, 2017.

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RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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