

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROSS PLUMB,

Plaintiff,

V.

M. PETERSON, et al.,

Defendants.

CASE NO. 2:17-cv-00419-RJB

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court on Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(b) and 16(f). Dkt. 18. Plaintiff has not responded to the motion. The Court has considered the motion and the remainder of the file herein.

On July 13, 2017, counsel to Plaintiff filed an Unopposed Motion to Withdraw as Attorney. Dkt. 16. On August 16, 2017, the Court granted a motion to withdraw by Plaintiff's counsel. Dkt. 17. The Court ordered "Plaintiff Ross Plumb or the new counsel he retains . . . [to] enter their appearance . . . by September 6, 2017." *Id.* at 2. Despite an April 6, 2018 deadline for a proposed pretrial order, Defendants represent, Plaintiff has made no effort to deliver a pretrial statement to Defendants, which was due by March 20, 2018. *See* W.D.Wash. Local Court Rule 16(h).

1 W.D.Wash. Local Court Rule 41(1) provides:

2 Any case that has been pending in this court for more than nine months without any
3 proceeding of record having been taken may be dismissed by the court on its own motion for
4 lack of prosecution. The plaintiff in any such action will be given an opportunity to show
cause in writing, or at the court's election in open court, why the case should not be
dismissed. . .

5 April 13, 2018 will mark nine months since Plaintiff or his representative last filed
6 pleadings in this case. Plaintiff's Response to Defendants' motion was due Monday, April 9,
7 2018. W.D.Wash. Local Court Rule 7(d). Plaintiff did not respond to Defendants' motion or to
8 the Order requiring the filing of a proposed pretrial order. A Pretrial Conference is also set for
9 April 13, 2018 at 8:30am. Dkt. 14.

10 In accordance with W.D.Wash. Local Court Rule 41(1), Plaintiff should be given a
11 limited opportunity, until Friday, April 13, 2018, at 8:30am to show cause why this case should
12 not be dismissed for lack of prosecution. The failure to respond to this Order will result in
13 dismissal.

14 * * *

15 It is HEREBY ORDERED:

16 By **Friday, April 13, 2018, at 8:30am**, Plaintiff shall show cause why this case should
17 not be dismissed for lack of prosecution.

18 The Clerk shall expedite mailing of this Order to Plaintiff.

19 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
20 to any party appearing *pro se* at said party's last known address.

21 Dated this 10th day of April, 2018.

22 
23 ROBERT J. BRYAN
24 United States District Judge