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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM D. WEBSTER,

Plaintiff,

v.

KITSAP COUNTY SHERIFF, et al.,

Defendants.

Case No. C09-5036 FDB

ORDER TO SHOW CAUSE RE:
FAILURE TO PROSECUTE

This matter comes before the Court on its own motion to direct Plaintiff to show cause why this action should not be dismissed for failure to prosecute.

Pro se Plaintiff William Webster initiated this civil rights action on January 23, 2009. On February 17, 2009, Plaintiff filed his First Amended Complaint. In response to Plaintiff's motion for an extension of deadlines, this Court entered a Minute Order extending pretrial deadlines. The Joint Status Report was ordered due by December 4, 2009; Rule 26 Conference Deadline was ordered due November 13, 2009; and the Initial Disclosure Deadline was due November 27, 2009.

On September 14, 2009, Plaintiff filed a motion to file a Second Amended Complaint. On October 2, 2009, this Court entered an order granting Plaintiff's motion to file a second amended

1 complaint naming Kitsap County as a party defendant to this action. The order directed Plaintiff to
2 serve and file the proposed amended complaint no later than October 9, 2009. Plaintiff failed to
3 comply with this order.

4 On October 19, 2009, this Court entered an Order to Show Cause directing Plaintiff to
5 serve and file, no later than October 23, 2009, the Second Amended Complaint naming Kitsap
6 County as a defendant. Again, Plaintiff has failed to comply with this Court's order. Instead,
7 Plaintiff filed an objection to this Court's directive that the amended complaint be confined to
8 naming Kitsap County as a defendant.

9 On October 27, 2009, this Court entered a Second Order to Show Cause providing Plaintiff
10 an additional opportunity to file his proposed amended complaint. The order stated that upon the
11 completion of service and filing of the proposed amended complaint, the Court would entertain
12 whether to grant the motion to amend the complaint beyond the naming of Kitsap County as a
13 defendant. The Order further indicated that in the event Plaintiff failed to serve and file the
14 proposed amended complaint on or before November 6, 2009, the Court would deny the motion to
15 amend as abandoned and prohibit future amendment of the complaint. Again, Plaintiff failed to
16 comply with the Court's directive. Accordingly, the motion to file a Second Amended Complaint is
17 considered to have been abandoned.

18 Thus, this lawsuit remains pending pursuant to Plaintiff's First Amended Complaint and the
19 Court's scheduling deadlines remain in force. Plaintiff has failed to comply with any of these
20 deadlines or directives of the Court.

21 ACCORDINGLY;


22 IT IS ORDERED:

23 Plaintiff is directed to **SHOW CAUSE IN WRITING** why there has been no response to
24 the scheduling order of this Court, and why this case should not be **DISMISSED** for Failure
25 to Prosecute. This case will be dismissed without further notice to Plaintiff on January 29,

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2010, unless the Plaintiff responds by filing the required Joint Status Report and Initial Disclosures, participates in the Rule 26 Conference, and sets forth good cause for the failure to comply with Court Rules and Orders.

DATED this 7th day of January, 2010.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE