

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hurtado v. Sylvan

Hurtado · No. 2:21-cv-00888-JDP (PC) · Decided March 7, 2023

SUMMARY

The United States District Court for the Eastern District of California orders plaintiff Angel Hurtado to show cause why sanctions should not be imposed for failing to file a required status report. The court continues the initial scheduling conference, sets a deadline for the status report and response, and warns that noncompliance may result in a recommendation of dismissal for lack of prosecution and failure to comply with court orders.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 7, 2023
DOCKET	2:21-cv-00888-JDP (PC)
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action, the court issued an order to show cause why sanctions should not be imposed after plaintiff failed to file a required status report.
PRECEDENTIAL VALUE	Nonprecedential district-court order
PARTIES	Angel Hurtado v. Sylvan

TOPICS

sanctions

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should require plaintiff to show cause why sanctions should not be imposed for failing to comply with the court's order requiring a status report.
2. Whether failure to comply with the show-cause order could support a recommendation that the action be dismissed for failure to prosecute and failure to comply with court orders.

HOLDINGS

1. A district court may dismiss an action for a plaintiff's failure to prosecute or failure to comply with court orders or local rules, although involuntary dismissal is a harsh penalty.

KEY QUOTATIONS

"Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties." (at 1)

"Failure to comply with this order may result in the imposition of sanctions, including a recommendation that this action be dismissed for lack of prosecution and for failure to comply with court orders." (at 2)

FACTUAL BACKGROUND

The court's February 1, 2023 order set an initial scheduling conference for March 9, 2023, and required the parties to submit status reports by February 23, 2023. Defendant timely submitted a report, but plaintiff failed to submit one. The court therefore issued an order requiring plaintiff to explain the failure, file the status report, and comply with the new deadlines.

PROCEDURAL HISTORY

The court had ordered the parties to file status reports by February 23, 2023, in advance of an initial scheduling conference. Defendant filed a timely report, but plaintiff did not. The court continued the scheduling conference, ordered plaintiff to file the overdue status report, and required plaintiff to show cause why sanctions should not be imposed, warning that noncompliance could lead to a recommendation of dismissal.

DISPOSITION

other

CASES CITED

- *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005)
- *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002)

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