

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Dailey-Henry v. Land O'Lake, Inc.

Dailey-Henry · No. 1:24-cv-00347-KES-SKO · Decided May 14, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 EASTERN DISTRICT OF CALIFORNIA 6 7
ALVERA DAILEY-HENRY, Case No. 1:24-cv-00347-KES-SKO 8 Plaintiff, O T O R D O E B R
E Y T O A N S H D O F W A I L C U A R U E S E T F O O R FAILURE 9 PROSECUTE v. 10
(Docs. 16, 17) 11 LAND O'LAKE, INC, 12 Defendant.
_____/ 13 14 Plaintiff Alvera Dailey-Henry filed this case,
on March 21, 2024, (Doc.

1), and now 15 proceeds pro se, (see Doc. 14, November 19, 2024 order granting attorney's
motion to withdraw). 16 On April 25, 2025, Defendant filed two motions to compel Plaintiff's
responses to written 17 discovery and appearance at a deposition. (Docs. 16, 17).

The time for responding has now passed 18 and Plaintiff has not responded. 19 To manage its
docket effectively, the court requires litigants to meet certain deadlines. The 20 court may impose
sanctions, including dismissing a case, for failure to comply with its orders or 21 local rules. See
Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; Hells Canyon Pres. Council v. U.S. 22 Forest Serv., 403
F.3d 683, 689 (9th Cir.

2005); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 23 1988). Involuntary dismissal is a harsh
penalty, but a district court has a duty to administer justice 24 expeditiously and avoid needless
burden for the parties. See Pagtalunan v. Galaza, 291 F.3d 639, 25 642 (9th Cir. 2002); Fed. R.
Civ. P. 1. 26 As this is the first time Plaintiff has been served with a motion since her attorney
withdrew, 27 Plaintiff will be given one final opportunity to respond.

Accordingly, IT IS HEREBY ORDERED 28 that Plaintiff shall have until May 26, 2025 to
respond to Defendant's motions to compel. See 1 Ysaguirre v. Rodriguez, No. 2:23-cv-00327-
DAC-AC (July 17, 2024 E.D. Cal.) (Doc. 20). 2 However, failure to respond will be deemed a
waiver of any opposition to the granting of the 3 motion and may result in the imposition of
sanctions, up to and including a recommendation that 4 this case be dismissed for failure to
prosecute.

See L.R. 230(l); Rogers v. Bonta, No. 5 222CV314TLNKJNPS, 2022 WL 2719185, at *2 (E.D.
Cal. July 13, 2022). Should Plaintiff 6 wish to continue with this lawsuit, she shall file, by May
26, 2025, an opposition or statement 7 of non-opposition to Defendant's motion. 8 The Court

DIRECTS the Clerk to send a copy of this Order to Plaintiff at her address listed 9 on the docket for this matter.

10 IT IS SO ORDERED. 11 12 Dated: May 14, 2025 /s/ Sheila K. Oberto. UNITED STATES
MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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