

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LANA RAE RENNA, et al.,
Plaintiffs,
v.
ROB BONTA, in his official capacity;
LUIS LOPEZ, in his official capacity,
Defendants.

Case No.: 20-cv-2190-DMS-DEB

**ORDER GRANTING MOTION TO
DISMISS FOR FAILURE TO
PROSECUTE**

Before the Court is Defendants’ motion to dismiss Plaintiff Richard Bailey (“Bailey”) for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The motion is unopposed. After reviewing Defendants’ motion and the record in this case, the Court grants Defendants’ motion.

Bailey was one of nineteen plaintiffs who filed the instant action on November 10, 2020. (ECF No. 1.) However, Bailey failed to participate when the discovery process began in January 2022 and stopped responding to communication from his counsel. (ECF No. 35-1.) Plaintiffs’ counsel filed a motion to withdraw from representing Bailey on February 16, 2022 (ECF No. 35), which the Court granted on February 23, 2022. (ECF No. 36.)

///
///

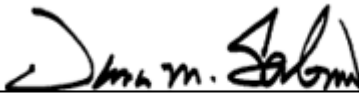
1 On April 4, 2022, Defendants' counsel called and spoke to Bailey and emailed him
2 a stipulation to withdraw. (ECF No. 41-2 at 2.) Bailey did not respond to that email, a
3 follow-up email, or a voicemail left on April 11, 2022. (*Id.*)

4 Defendants first filed the instant motion on April 14, 2022 (ECF Nos. 37, 40), then
5 subsequently refiled it on April 25, 2022, after obtaining a hearing date of May 27, 2022.
6 (ECF No. 41.) For each filing, Defendants' counsel provided service to Bailey via email
7 and postal mail. (ECF Nos. 39, 41 at 3.) Plaintiff Bailey's opposition was thus due on
8 May 13, 2022, per Civil Local Rule 7.1.e. 2, but no opposition was filed. The Court vacated
9 the May 27, 2022 hearing and took this matter under submission on the papers. (ECF No.
10 42.)

11 Bailey has been provided repeated notice of the need to participate in this case, and
12 ample time to do so. Given Bailey's failure to prosecute, his case is hereby dismissed
13 without prejudice. The Clerk of Court shall dismiss Plaintiff Bailey's case.

14 **IT IS SO ORDERED.**

15 Dated: May 27, 2022

16 
17 _____
18 Hon. Dana M. Sabraw, Chief Judge
19 United States District Court
20
21
22
23
24
25
26
27
28