

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>DESIE CHATFIELD,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 20-3112-HLT-GEB</b>
	)	
<b>KAREN SMITH,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**NOTICE AND ORDER TO SHOW CAUSE**

The complaint in this prisoner civil rights case was filed April 14, 2020. (ECF No. 1.) The Court granted Plaintiff Desie Chatfield’s motion to proceed without payment of the filing fee (Order, ECF No. 6) and, during the life of the action, all Defendants except Karen Smith were dismissed from the case. (*See* Orders, ECF Nos. 7 and 30.) Defendant Smith filed an Answer (ECF No. 24).

On April 7, 2021, the undersigned U.S. Magistrate Judge conducted a status conference to discuss the progress of the case, given the narrowing of the parties. At that time, Plaintiff indicated he planned to retain counsel to assist him in the prosecution of this case. The Court set a scheduling conference for April 29, 2021, and—at Plaintiff’s direction—updated the docket to reflect Plaintiff’s new mailing and emails addresses. (*See* Order, ECF No. 34.) Plaintiff was verbally notified of the April 29 hearing during the April 7 conference, and was also notified by both email and U.S. mail at the address he provided to the Court.

On April 29, 2021, Plaintiff failed to appear for the scheduling conference. Staff in the undersigned judge's chambers attempted to contact him by both phone and email but were unable to reach him. In an abundance of deference to Plaintiff as a pro se litigant, the conference was reset to May 26, 2021. (*See* Order, ECF No. 36.) In this order, Mr. Chatfield was cautioned that a failure to appear for this rescheduled conference would result in possible sanctions through a show cause order. (*Id.*) Again, this order was mailed by U.S. mail to the address provided by Plaintiff during the April 7 conference, and was emailed to two emails addresses provided by Plaintiff. (*Id.*)

Plaintiff failed to appear for the May 26, 2021 conference. No attorney has entered an appearance on Plaintiff's behalf. Defense counsel indicated he has had no contact from Plaintiff or any counsel who may represent him. To date, the Court has had no communication from Plaintiff since his participation in the April 7, 2021 conference.

Therefore, the Court orders Plaintiff Desie Chatfield to show cause in writing to the Honorable Holly L. Teeter, United States District Judge, on or before **June 18, 2021**, why this case should not be dismissed with prejudice for lack of prosecution under Fed. R. Civ. P. 41(b). This order shall be sent to Plaintiff by both certified mail, return receipt requested, as well as by email to [dmchatfieldmx502@gmail.com](mailto:dmchatfieldmx502@gmail.com) and [dmchatfieldksmx502@gmail.com](mailto:dmchatfieldksmx502@gmail.com), with return tracking enabled.

IT IS SO ORDERED

Dated this 26th day of May, 2021.

s/ Gwynne E. Birzer  
GWYNNE E. BIRZER  
United States Magistrate Judge