

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 21-cv-01320-GPG

**(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)**

OLIVIA BALLAGE,

Plaintiff,

v.

HOPE & HOME,

Defendant.

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**ORDER TO SHOW CAUSE**

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Plaintiff Olivia Ballage resides in Colorado Springs, Colorado. Plaintiff has filed *pro se* an *Employment Discrimination Complaint* and part of an *Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)* (ECF Nos. 1, 3). On May 14, 2021, the Court ordered Plaintiff to cure a deficiency with one of her filings—the motion to proceed under § 1915 was missing the signature page. (ECF No. 4). But at least two of the Court’s recent mailings to Plaintiff—including the order to cure—have been returned as undeliverable. (ECF Nos. 5, 6).

To date, Plaintiff has not filed a notice of change of address as required by Local Rule 5.1(c). See D.C.COLO.LCivR 5.1(c) (“Notice of change of name, mailing address, or telephone number of an unrepresented prisoner or party shall be filed not later than five days after the change.”); see also *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir.

1992) (pro se litigants “must follow the same rules of procedure that govern other litigants”). It is unclear whether Plaintiff intends to proceed with this action due to the return of her mail as undeliverable, her failure to comply with Local Rule 5.1(c), and not otherwise communicating with the Court since she filed the complaint and IFP motion. (ECF Nos. 1, 2).

Therefore, the Court directs Plaintiff to show cause in writing and filed with the Court as to why this action should not be dismissed due to her failure to comply with Local Rule 5.1(c) and failure to prosecute. See Fed. R. Civ. P. 41(b); *U.S. ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) (“dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules”).

Accordingly, it is

ORDERED that Plaintiff file, **within twenty-one (21) days from the date of this order**, a written response to this Order to Show Cause explaining why this action should not be dismissed due to her failure to comply with Local Rule 5.1(c) and failure to prosecute. It is

FURTHER ORDERED that, if Plaintiff fails to file a response in compliance with this order within the time allowed, the action will be dismissed without further notice. The dismissal will be without prejudice. However, Plaintiff is warned that, even if the action is dismissed without prejudice, the dismissal may act as a dismissal with prejudice if the time for filing expires. See *Rodriguez v. Colorado*, 521 F. App'x 670, 671-72 (10th Cir. 2013). It is

FURTHER ORDERED that, in addition to serving Plaintiff at the address of record reflected on the docket, the Clerk of Court shall **email a copy of this order**—as a one-time courtesy—to Plaintiff’s email address: **oballage@gmail.com**.

DATED May 31, 2021.

BY THE COURT:

A handwritten signature in black ink, consisting of a series of fluid, connected strokes that form a stylized, cursive representation of the name 'Gordon P. Gallagher'.

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Gordon P. Gallagher  
United States Magistrate Judge