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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RANDALL E. ELLIS,

Plaintiff,

v.

STEVEN CAMBRA, JR., et al.,

Defendants.

1:02-cv-05646-AWI-SMS PC

ORDER TO SHOW CAUSE WHY ANTHONY DAVID PRINCE, ESQ. SHOULD NOT PAY MONETARY SANCTIONS FOR FAILURE TO OBEY A COURT ORDER

RESPONSE FROM ANTHONY DAVID PRINCE, ESQ. DUE IN FIFTEEN DAYS

ORDER GRANTING PLAINTIFF’S REQUEST FOR AN EXTENSION OF TIME TO FILE SUPPLEMENT TO HIS OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

(Doc. 143)

ORDER FOR CLERK’S OFFICE TO PLACE PLAINTIFF ON THE SERVICE LIST

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Randall E. Ellis (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On March 4, 2010, Plaintiff Randall E. Ellis filed a motion seeking to terminate his representation by counsel of record, Anthony David Prince, Esq., and to restore Plaintiff to pro se status. (Doc. 141.) On March 5, 2010, an order issued denying Plaintiff’s motion; delineating the need for submission of a fully executed substitution of attorney to terminate a representation relationship; and ordering Attorney Prince, within ten (10) days, to prepare a substitution of attorney form, substituting himself out and returning Plaintiff to pro se status, sign the form and

1 send it to Plaintiff for Plaintiff to sign and file with this Court. (Doc. 142.) To date, no forms
2 substituting Attorney Prince out and Plaintiff in pro se have been filed in this case.

3 On April 14, 2010, Plaintiff filed a motion indicating that he had received most of his
4 case files from Attorney Prince. (Doc. 143.) Plaintiff requests an additional ninety (90) day
5 extension of time to file his supplement to the opposition to Defendants' motion for summary
6 judgment¹ because, though he has enough to rebuild the supplement, Plaintiff needs time to
7 organize his case and arguments as a number of his documents and evidence are misplaced and a
8 number of his original documents appear to be missing from those he received from Attorney
9 Prince. (*Id.*)

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Within fifteen (15) days from the date of service of this order, Attorney Prince
12 shall file a written response showing cause why he should not be sanctioned for
13 failure to obey a court order by forwarding an appropriate substitution of attorney
14 form to Plaintiff;
- 15 2. In the alternative, Attorney Prince may file a fully executed substitution of
16 attorney substituting Plaintiff to proceed pro se in place and instead of Attorney
17 Prince;
- 18 3. Attorney Prince's failure to comply with this order shall result in imposition of a
19 \$500 sanction;
- 20 4. Plaintiff is granted an extension of sixty (60) days² within which to file a
21 supplement to his opposition to Defendants' motion for summary judgment; and

22 ///

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26 ¹ Plaintiff was previously granted leave to supplement his opposition to Defendants' motion for summary
27 judgment pending receipt of discovery response, but such supplement is limited to ten (10) pages, excluding exhibits.
(Doc. 110.)

28 ² Plaintiff is granted an extension of sixty rather than the requested ninety days since almost a month has
lapsed between the date Plaintiff filed his request for a ninety day extension of time and the issuance of this order.

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5. The Clerk of the Court is directed to add Plaintiff, Randall E. Ellis, inmate number C-68764, P.O. Box 7500, Crescent City, California, 95532-7500 to the service list for this case.

IT IS SO ORDERED.

Dated: May 11, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE