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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD SINCLAIR, et al.

Plaintiffs,

v.

**FOX HOLLOW OF TURLOCK OWNERS
ASSOCIATION, et al.**

Defendants.

1:03-cv-05439-OWW-DLB

**ORDER STRIKING DOCUMENTS FILED
IN VIOLATION OF COURT ORDERS**

On February 8, 2010, the court issued an order prohibiting Richard Sinclair from representing "any of the Defendants in the within action other than himself, individually, and other than a non-individual Defendant in which he is and at all times has been the sole owner." (Doc. 362). Despite the express language of the February 2010 order, Richard Sinclair continued to file documents and make court appearances in which he purported to "specially appear" for Brandon Sinclair and others throughout 2010 and 2011.

On April 15, 2011, Plaintiffs filed a motion to enforce the court's prior orders regarding Richard Sinclair's representation of parties other than himself in this action. (Doc. 544). The court heard Plaintiffs' motion on June 6, 2011. (Doc. 616). During the hearing, the court orally granted Plaintiffs' motion with respect to enforcing the prohibition against Richard Sinclair's

1 representation of, *inter alia*, Brandon Sinclair. The court
2 directed Brandon Sinclair to file a statement apprising the court
3 of whether he intended to proceed in pro per. The court reserved
4 ruling on Plaintiffs' request for sanctions and permitted Richard
5 Sinclair to file supplemental opposition regarding the sanctions
6 issue. Brandon Sinclair filed a Declaration stating "I...elect to
7 represent myself" on June 13, 2011. (Doc. 624).

8 On June 30, 2011, Richard Sinclair filed a motion for
9 reconsideration purporting to "specially appear[] for Brandon
10 Sinclair." (See Doc. 654, 655). The CM/ECF docket entry also
11 reflects that the motion for reconsideration is "by Brandon
12 Sinclair, Richard Sinclair." The motion for reconsideration filed
13 by Richard Sinclair on behalf of himself and Brandon Sinclair is in
14 direct contravention of the court's express and repeated orders
15 that Branson Sinclair represent himself or obtain an independent
16 attorney to do so.

17 The June 30, 2011 Motion for Reconsideration (Doc. 654) and
18 memorandum in support thereof (Doc. 655) filed by Richard Sinclair
19 are STRICKEN as to defendant Brandon Sinclair pursuant to the
20 court's inherent power to manage its docket. *See, e.g., Ready*
21 *Transp., Inc. v. AAR Mfg.*, 627 F.3d 402, 404 (9th Cir. 2010) ("it
22 is well established that district courts have the inherent
23 power...to strike items from the docket"); *see also Jones v. Metro.*
24 *Life Ins. Co.*, 2010 U.S. Dist. LEXIS 113219 *18-19 (N.D. Cal. 2010)
25 (collecting cases in which district courts have stricken documents
26 filed in violation of court orders). **IT IS SO ORDERED.**

27 **Dated: July 19, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE