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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIC CHARLES RODNEY K’NAPP,  
Plaintiff,  
vs.  
D. G. ADAMS, et al.,  
Defendants.

1:06-cv-01701-LJO-GSA-PC  
ORDER DISCHARGING ORDER TO  
SHOW CAUSE WITHOUT IMPOSING  
SANCTIONS  
(Doc. 118.)

**I. BACKGROUND**

Eric Charles Rodney K’napp (“Plaintiff”) is a state prisoner proceeding pro se with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on November 22, 2006. (Doc. 1.) This action now proceeds on the Second Amended Complaint filed by Plaintiff on November 13, 2008, against defendants Warden Derral G. Adams, Lieutenant (“Lt.”) E. Smith, Lt. J. T. Tucker, Associate Warden S. Sherman, and D. Selvy (Classification Services Representative), for retaliating against Plaintiff by confining him in Ad-Seg under false pretenses and transferring him to another prison, and against defendants K. Motty, Sgt. C. Pugliese, Lt. Smith, R. Guerrero, Appeals Coordinator Cooper, Appeals Coordinator V. R. Garcia, Appeals Coordinator R. Hall, and Does 1-5

1 (Mailroom Workers) for interfering with his right to send mail in violation of the First  
2 Amendment.<sup>1</sup> (Doc. 16.)

3 On February 5, 2014, the court issued an order for Defendants to show cause why  
4 sanctions should not be imposed for their failure to fully comply with the court's order of  
5 December 9, 2013, which required Defendants to file oppositions to Plaintiff's four motions to  
6 compel. (Doc. 118.) On February 6, 2014, Defendants complied with the December 9, 2013  
7 order by filing further opposition to Plaintiff's motions to compel. (Doc 119.) On March 5,  
8 2014, Defendants filed a response to the court's order to show cause. (Doc. 121.)

9 **II. DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE**

10 Defendants counsel ("Counsel") requests the court to discharge the order to show cause,  
11 without imposing sanctions, because her failure to fully comply with the court's order of  
12 December 9, 2013 was inadvertent, and she rectified the error as soon as the mistake was  
13 recognized. Counsel asserts that when she filed Defendants' opposition to Plaintiff's motions  
14 to compel on January 23, 2014, she believed she had fully complied with the court's order.  
15 Counsel asserts that upon realizing the error, she immediately filed further opposition in full  
16 compliance with the order. Counsel asserts that she acted in good faith, without any intent to  
17 defy the Court's Order.<sup>2</sup>

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21 <sup>1</sup> On March 12, 2012, Plaintiff's claims for retaliation based on allegations that defendants (1) denied him  
22 indigent correspondence supplies, (2) delayed his mail, (3) obstructed his outgoing mail, (4) denied him all but the  
23 May 2005 issue of his subscription of Prison Legal News, (5) issued a false disciplinary write-up against Plaintiff  
24 for having a clothesline inside his cell, and (6) instructed CDCR personnel at SATF to limit Plaintiff to a sixty-  
25 minute non-contact visit with a visitor who had come over 250 miles to see him, were dismissed by the Court  
based on Plaintiff's failure to exhaust remedies before filing suit. (Doc. 88.) The Court also dismissed defendants  
Meaders, Cuevas, and Johnson from this action, based on Plaintiff's failure to exhaust remedies for the claims  
against them before filing suit. (Id.) All other claims and defendants, other than those listed above, were  
dismissed from this action by the Court on August 17, 2009, based on Plaintiff's failure to state a claim. (Doc. 29.)

26 <sup>2</sup> Counsel also explains that she initially failed to file oppositions to Plaintiff's motions to compel because  
27 although she had prepared the oppositions, she failed to file the oppositions with the court due to inadvertence  
28 because of a change in office staff. Counsel asserts that she prepared an opposition to the motions that she  
believed was filed and served on October 3, 2013, but during that time Counsel's secretary transferred to another  
division, and the opposition was apparently overlooked and was never filed or served.

