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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE WASHINGTON,  
Plaintiff,  
vs.  
J. W. ANDREWS, et al.  
Defendants.

No. 1:07-CV-886-CKJ

**ORDER**

On February 4, 2011, Plaintiff filed a request for an extension beyond the January 31, 2011, deadline for the filing of the Proposed Pretrial Statement (Doc. 63) and has submitted a Proposed Pretrial Statement with his request. The Court finds it appropriate to grant the request.

Additionally, the Court notes that it issued an original scheduling order on December 17, 2009. The Court stated:

Parties and counsel shall file a **Joint Proposed Pretrial Order** within **thirty (30) days after resolution of the dispositive motions** filed after the end of discovery. If no such motions are filed, a Joint Proposed Pretrial Order will be due on or before **July 2, 2010**. The content of the proposed pretrial order shall include, but not be limited to, that prescribed in the **Form of Pretrial Order** attached hereto. If the parties and counsel are unable to prepare a joint proposed pretrial order, a separate proposed pretrial order shall be submitted to the Court accompanied by a statement why the preparation of the joint proposed pretrial order could not be completed through written correspondence.

December 17, 2009, Order, p. 4. Prior to the order herein extending the deadline to February 4, 2011, additional orders had extended the deadline to January 31, 2011. Defendants have

1 not filed either a Joint Proposed Pretrial Order or a Separate Proposed Pretrial Order as set  
2 forth in the Court's December 17, 2009, Order.<sup>1</sup>

3 On its own motion, the Court "may issue any just orders, including those authorized  
4 by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney . . . fails to obey a scheduling or other  
5 pretrial order." Fed.R.Civ.P. 16(f). The Court finds it appropriate to order Defendants to  
6 show cause why sanctions should not be imposed for its failure to comply with the Court's  
7 orders.

8 Accordingly, IT IS ORDERED:

9 1 Plaintiff's request for an extension of time to file a Proposed Pretrial Statement  
10 (Doc. 63) is GRANTED.


11 2. The deadline for filing a Proposed Pretrial Statement is extended to February  
12 4, 2011.

13 3. Defendants are **ORDERED TO SHOW CAUSE** why sanctions should not  
14 be imposed against them for failing to comply with the Court's orders requiring the filing of  
15 a Proposed Pretrial Order by filing a writing with the Court on or before February 28, 2011.

16 4. Plaintiff shall file any response to Defendants' writing on or before March 21,  
17 2011.

18 5. Defendants shall file any reply on or before April 4, 2011.

19 DATED this 9<sup>th</sup> day of February, 2011.

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22 Cindy K. Jorgenson  
23 United States District Judge  
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26 <sup>1</sup>The Court notes that Defendants have filed a Motion to Declare Plaintiff a Vexatious  
27 Litigant and to Post Security (Doc. 61). However, that motion does not request dismissal or  
28 an extension of the Pretrial Order filing deadline. Indeed, it acknowledges that this matter  
will be proceeding to trial by seeking to have Plaintiff post security before proceeding to  
trial. See Memorandum (Doc. 61-1), p. 11.