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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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| GARY H. BRUSH, | CASE NO. 1:07-cv-01009-DLB PC |
| Plaintiff, | ORDER SETTING ORDER TO SHOW CAUSE |
| v. | HEARING FOR OCTOBER 19, 2011 |
| J. WOODFORD, et al., | TEN DAY DEADLINE |
| Defendants. | |

Plaintiff Gary H. Brush (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Following resolution of Defendants’ motion to dismiss and motion for summary judgment, this action is now proceeding on Plaintiff’s first amended complaint, filed June 30, 2008, against Defendants J. Harper, Lee, Jasso, King, and Catalano for deliberate indifference in violation of the Eighth Amendment; Rangel, Gonzales, Cano, and N. Greene for excessive force on September 14, 2006, in violation of the Eighth Amendment; and J. Harper, Rangel, Gonzales, Cano, and N. Greene for retaliation in violation of the First Amendment. On September 16, 2011, the Court received a letter from inmate Vaifanua stating that he did not prepare an affidavit for this action and did not witness any of the events that occurred. On September 19, 2011, the Court received a letter from inmate Reeder stating that he does not have any recollection of ever being housed at the same institution as Plaintiff and has no knowledge of the incidents in this action.

Federal courts have broad powers to impose sanctions against parties or counsel for improper conduct in litigation. The Court derives the power to impose sanctions on parties or their counsel

1 from three primary sources of authority, “(1) Federal Rule of Civil Procedure 11, which applies to
2 signed writings filed with the court, (2) 28 U.S.C. § 1927, which is aimed at penalizing conduct that
3 unreasonably and vexatiously multiplies the proceedings, and (3) the court's inherent power.” Fink
4 v. Gomez, 239 F.3d 989, 991 (9th Cir. 2001). Under Rule 11(c)(3) the Court may, on its own
5 motion, order a hearing to show cause why conduct by a party has not violated Rule 11.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. An order to show cause hearing is set before the Honorable Dennis L. Beck on
8 October 19, 2011, at 9:00 a.m. in Courtroom 9;
- 9 2. Plaintiff and defense counsel shall make a personal appearance for the hearing on
10 October 19, 2011;
- 11 3. The Clerks Office shall fax a copy of this order to the Litigation Coordinator at
12 Pleasant Valley State Prison;
- 13 4. The parties may submit a brief on the order to show cause hearing within ten days
14 from the date of service of this order; and
- 15 5. Transportation writs shall issue for Plaintiff and Inmates Jason Reeder, CDC # H-
16 73687; Andres Serrano, CDC # J-27946; and Manual Vaifanua, CDC # J-22618, to
17 be transported for the hearing.

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20 IT IS SO ORDERED.

21 **Dated: September 27, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE