

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

1 DAVID ALLEN FALLS,) 1:08-CV-01729 OWW SMS HC
2 Petitioner,)
3 v.) ORDER DISCHARGING ORDER TO SHOW
4 CAUSE
5 [Doc. #13]
6 JAMES A. YATES,)
7 Respondent.)

16 On March 4, 2009, Respondent was ordered to show cause why sanctions should not be
17 imposed for failure to follow a court order. On March 19, 2009, Respondent filed a response to the
18 order to show cause as well as an answer to the petition. Counsel for Respondent also provided a
19 declaration explaining the cause of his untimeliness. Specifically, Counsel’s case-tracking software
20 program needed to be manually converted to a new system. During this process, Counsel
21 inadvertently caused the wrong deadline to be entered in his calendar. The Court finds that Counsel
22 did not willfully disobey a court order or act in bad faith. Rather, the untimeliness of the response
23 was accidental. Further, Respondent has complied with the court order and has filed an answer.

24 Accordingly, IT IS HEREBY ORDERED that the Order to Show Cause dated March 4, 2009,
25 is DISCHARGED.

26 IT IS SO ORDERED.

27 | Dated: April 9, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE