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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 DAVID ALLEN FALLS, ) 1:08-CV-01729 OWW SMS HC  
10 )  
11 Petitioner, ) ORDER DISCHARGING ORDER TO SHOW  
12 ) CAUSE  
13 v. ) [Doc. #13]  
14 JAMES A. YATES, )  
15 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