

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA J. CANTU,
Plaintiff,
v.
GARCIA, et al.,
Defendants.

Case No. 1:09-cv-00177 AWI DLB PC

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR DEFENDANT’S FAILURE TO COMPLY
WITH COURT ORDERS
(Document 133)**

TEN-DAY DEADLINE

Plaintiff Joshua J. Cantu (“Plaintiff”) is a former California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s Second Amended Complaint against Defendants Garcia, Goree and Baptiste.

On November 14, 2014, the Court granted Plaintiff’s motion to compel and ordered Defendant Baptiste to serve discovery responses within thirty (30) days. The Court also extended the dispositive motion deadline to February 27, 2015.

On February 25, 2015, Plaintiff filed a motion to extend the dispositive motion deadline because he had not yet received Defendant Baptiste’s discovery responses. The Court ordered Defendant to respond, but he failed to so do. The Court therefore issued an order to show cause on March 17, 2015, why sanctions should not be imposed.

1 Defendant filed a response the same day. Defendant's counsel, Kelli Hammond, stated that
2 she failed to respond to the order to show cause because she was out of the office for trial
3 preparation and trial from March 2, 2015, through March 16, 2015.

4 Based on this explanation, the Court discharged the order to show cause.

5 In explaining the failure to serve discovery responses, Ms. Hammond stated that it was an
6 inadvertent calendaring error. Ms. Hammond assured the Court that Defendant Baptiste would serve
7 discovery responses no later than March 30, 2015. The Court therefore granted Plaintiff's February
8 27, 2015, motion to modify the Discovery and Scheduling Order, and extended the dispositive
9 motion deadline to April 30, 2015.

10 On April 30, 2015, Plaintiff filed a second motion to extend the dispositive motion deadline
11 because he has *still* not received discovery responses from Defendant Baptiste.

12 It has now been almost five months since Defendant Baptiste's discovery was due. The
13 Court issued an order to show cause, and discharged it based on Ms. Hammond's statement in her
14 declaration that Defendant would serve his responses no later than March 30, 2015. ECF No. 132, at
15 2 (Hammond Decl. ¶ 9). Ms. Hammond's continued disregard of this Court's orders, in both this
16 action and others, is unacceptable.

17 Accordingly, Defendant Baptiste is ORDERED TO SHOW CAUSE why sanctions should not
18 be imposed for his repeated failure to obey this Court's orders. Defendant SHALL file a response
19 within ten (10) days of the date of service of this order.

20 The Clerk of Court is ORDERED to serve a copy of this order on Monica Anderson,
21 Supervising Deputy Attorney General.

22
23 IT IS SO ORDERED.

24 Dated: May 4, 2015

/s/ Dennis L. Beck
25 UNITED STATES MAGISTRATE JUDGE