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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KEITH ZAVALA,

CASE NO. 1:09-cv-01352-BAM PC

Plaintiff,

v.

ORDER TO SHOW CAUSE WHY JAMES M. HODGES SHOULD NOT BE HELD IN CONTEMPT

CHRIS CHRONES, et al.,

Defendants.

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Plaintiff Keith Zavala (“Plaintiff”), a state prisoner originally proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 8, 2009. Following discovery, the Court issued a Second Scheduling Conference order, which set a jury trial for February 11, 2013. (ECF No. 95.) The Court continued the trial to February 12, 2013. (ECF No. 100.)

On January 28, 2013, Plaintiff filed a motion to continue the trial because he anticipated legal representation by attorney James M. Hodges. (ECF No. 147.) On February 5, 2013, the Court held a hearing and denied Plaintiff’s motion to continue the trial. On February 6, 2013, the Court also issued a written order denying Plaintiff’s motion based, in part, on a finding that continuation of the trial would be highly prejudicial to Defendants. (ECF No. 153.)

On February 7, 2013, a mere five days before trial, Mr. Hodges filed a notice of appearance on behalf of Plaintiff. (ECF No. 154.) Mr. Hodges also requested continuation of the trial and reported that he was not available from February 11 through February 13, 2013, including the trial’s scheduled start date. On February 8, 2013, the Court issued a written order denying Mr. Hodges’

1 request to continue the trial. (ECF No. 156.) The Court explained that the last-minute efforts to  
2 forestall resolution of the matter would prejudice not only Defendants, but also witnesses, security  
3 personnel, counsel and the Court. Mr. Hodges received notice of the order on February 8, 2013,  
4 through the Court's Case Management/Electronic Court Filing system.

5 Trial in this matter commenced on February 12, 2013, at 8:30 a.m., and continued daily  
6 through February 15, 2013. Throughout the duration of the trial, Mr. Hodges failed to make any  
7 appearance. He also failed to make any effort to contact the Court regarding his failure to appear.  
8 Accordingly, Mr. Hodges is ordered to show cause why he should not be held in contempt and  
9 why sanctions should not be imposed for: (1) his failure to appear at trial in compliance with this  
10 Court's scheduling and pretrial orders (Fed. R. Civ. P. 16(f); Local Rule 110); and (2) for filing  
11 his notice of appearance and request to continue trial in an effort to unnecessarily delay  
12 proceedings (Fed. R. Civ. P. 11; Local Rule 110).

13 PLEASE TAKE NOTICE that on **March 8, 2013, at 8:30 a.m. in Courtroom 8**, James  
14 M. Hodges is ORDERED TO SHOW CAUSE why he should not be held in contempt and why  
15 sanctions should not be issued. Mr. Hodges must PERSONALLY APPEAR at this hearing.

16 The Clerk of Court is DIRECTED to serve this order on Mr. Hodges (1) by mail at the  
17 Bellflower Law Center, Inc., 16505 Clark Ave., Bellflower, California, 90706; and (2) by  
18 electronic mail at [jimhodgeslaw@aol.com](mailto:jimhodgeslaw@aol.com).

19 The Clerk of the Court also is DIRECTED to serve a copy of this order on Plaintiff Keith  
20 Zavala, J-73919, at Ironwood State Prison, P.O. Box 2199, Blythe, California 92226-2199.

21 IT IS SO ORDERED.

22 **Dated: February 15, 2013**

23 **/s/ Barbara A. McAuliffe**  
24 UNITED STATES MAGISTRATE JUDGE  
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