

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

EVA DIGMAN, et al.,

CASE NO. 1:11-cv-01901-AWI-SKO

Plaintiffs,

v.

ORDER TO SHOW CAUSE

BRIAN CUMMINGS, et al.,

**ORDER VACATING MAY 17, 2012,
SCHEDULING CONFERENCE**

Defendants.

This case was transferred to this Court from the Northern District of Texas on November 16, 2011. (Doc. 29.) A scheduling conference was set for March 20, 2012. (Doc. 30.) On March 14, 2012, the Court issued an order continuing the scheduling conference to May 17, 2012, to allow Plaintiffs additional time to associate local counsel or otherwise obtain a representative who is eligible to practice law in California and is a member of the Bar of this Court as Plaintiffs' counsel is neither admitted to practice law in California nor a member of the Bar of this Court.

On May 10, 2012, Defendant Transwest Capital, Inc. filed a Scheduling Report indicating that Plaintiffs had not participated in drafting the mandatory Scheduling Report and did not appear to have retained or otherwise associated counsel admitted to the Bar of this Court. (Doc. 37.) In failing to participate in submitting a Joint Scheduling Report that was due on May 10, 2012, Plaintiffs are out of compliance with the Court's November 16, 2011, order, which requires that a

1 *Joint* Scheduling Report be submitted by both parties one (1) full week prior to the Scheduling
2 Conference. (Doc. 30, 2:22-25.)

3 Finally, the Court notes that Plaintiff Red Canyon Transport, LLC is an artificial entity that
4 may not proceed in federal court without counsel. *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 202
5 (1993) ("a corporation may appear in the federal courts only through licensed counsel").

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. **Within ten (10) days from the date of this order**, Plaintiffs shall **either**:
- 8 a. Show cause why this action should not be recommended for dismissal for
9 failure to comply with the Court's Orders; **or**
- 10 b. Retain counsel who shall file a Notice of Appearance on behalf of Plaintiffs;
11 and
- 12 2. The Scheduling Conference currently set for May 17, 2012, is VACATED and will
13 be RESET as necessary.

14
15 IT IS SO ORDERED.

16 **Dated:** May 14, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE