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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NANCY JUNE NOVAK,
Plaintiff,
v.
MERCED POLICE DEPARTMENT, *et al*,
Defendants.

Case No. 1:13-cv-1402-BAM

**ORDER SETTING SHOW CAUSE
HEARING AND ORDERING COUNSEL
TO PERSONALLY APPEAR AND SHOW
CAUSE**

**Date: May 5, 2017
Time: 10:00 a.m.
Dept.: 8(BAM)**

PERSONAL APPEARANCE REQUIRED

On March 2, 2017, this Court issued an order to show cause why sanctions should not be imposed for failing to file timely dispositional documents in this matter. (Doc. 86). Following submission of written responses by Plaintiff Nancy June Novak and Defendants City of Merced, Officer Rasmussen, Sgt. Struble and Officer Chavez, the Court held a status conference and ordered as follows: (1) Plaintiff's motion for assessment of statutory interest, if any, shall be filed on or before March 31, 2017; (2) If no motion for statutory interest is filed, the parties shall file dispositional documents to dismiss or conclude this action in its entirety on or before April 13, 2017. (Doc. 91). The Court HELD the Order to Show Cause in ABEYANCE pending compliance with the Court's orders and further advised that the failure to comply with the order would result in the imposition of sanctions. (Doc. 91).

1 To date, Plaintiff has not filed a motion for statutory interest in response to the Court's
2 order. The parties also did not file timely dispositional documents on or before April 13, 2017 as
3 previously ordered by the Court. (Doc. 91).

4 Accordingly, due to the parties' failure to obey this Court's order, Counsel are
5 **ORDERED TO APPEAR IN PERSON** at the **May 5, 2017** show cause hearing. At the
6 hearing, Counsel shall explain why they have repeatedly failed to obey the orders of this Court
7 and why sanctions, up to and including terminating sanctions, should not be imposed for the
8 parties' failure to prosecute this case. Failure to appear at the hearing SHALL result in the
9 imposition of sanctions on counsel or parties who contributed to violation of this order. *See*
10 *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir.1986) ("District courts have inherent
11 power to control their dockets. In the exercise of that power they may impose sanctions
12 including, where appropriate, default or dismissal.").

13 Alternatively, the parties may comply with this order by filing appropriate papers to
14 dismiss or conclude this action in its entirety **on or before April 28, 2017**. If the parties file
15 timely stipulated dismissal documents, the May 5, 2017 Order to Show Cause Hearing will be
16 vacated and the case closed.

17
18 IT IS SO ORDERED.

19 Dated: April 20, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE