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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREVOR WEEKS,  
Plaintiff,  
vs.  
UNION PACIFIC RAILROAD COMPANY,  
Defendant.

Case No.: 1:13-cv-01641 AWI JLT  
ORDER DISCHARGING ORDER TO SHOW  
CAUSE  
(Doc. 18)

On August 19, 2014, the Court issued Plaintiff’s counsel an order to show cause why sanctions should not be imposed based upon his repeated failure to comply with the Court’s orders and to prosecute this action. (Doc. 18)

In response, counsel admits significant breaches of his obligations to this Court, his client and opposing counsel. (Doc. 19) He explains that for many reasons, including ongoing medical issues and staff departing, he has found himself with a caseload that he has not yet made manageable. Id. Many of these problems counsel shared with the Court at the status conference held on June 2, 2014. Despite his agreement on June 2, 2014, that he would be able to comply with the deadlines set at the scheduling conference held on January 23, 2014, counsel now seems to contend that the case must be re-scheduled. The Court makes no comment as to whether such a motion would be granted except to note that for this to occur, counsel must demonstrate diligence in attempting to meet the deadlines imposed. Jackson v. Laureate, Inc., 186 F.R.D. 605, 607-608 (E.D. Cal. 1999); see Marcum v. Zimmer, 163 F.R.D. 250, 254 (S.D. W.Va. 1995). The

1 Court is concerned that this showing cannot be made.

2 In any event, the Court **ORDERS**:

3 1. The order to show cause is **DISCHARGED**;

4 **Counsel is strongly encouraged to take all necessary steps to ensure that the current**  
5 **deadlines in place in this case are met. In addition, counsel is advised that any further**  
6 **failures to comply with the Court's orders will not be addressed with the level of tolerance**  
7 **shown here.**

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9 IT IS SO ORDERED.

10 Dated: **September 8, 2014**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE

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