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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 ANGEL KEITH TOSCANO, JR., et al.,

11 Plaintiffs,

12 v.

13 CITY OF FRESNO, et al.,

14 Defendants.
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Case No. 1:13-cv-01987-SAB

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR MINOR PLAINTIFFS ANTHONY
KEITH TOSCANO, JULIAN MATTHEW
TOSCANO, ANGEL INFINITY TOSCANO,
AND JIMMY LEE LONG'S FAILURE TO
COMPLY WITH THE DECEMBER 14, 2016
ORDER

JANUARY 13, 2017 DEADLINE
16

17 This action is brought by Plaintiffs Angel Keith Toscano, Jr., the decedent's oldest child
18 on his own behalf; Steven Wade Toscano, a minor, decedent's third oldest child, through his
19 guardian ad litem Kimberly Henson; Kimberly Henson as successor in interest to Cole Toscano,
20 deceased, who was decedent's second eldest child and a minor at the time of the incident;
21 Anthony Keith Toscano, a minor, decedent's natural child, through his guardian ad litem Sylvia
22 Moreno; Julian Matthew Toscano, a minor, decedent's natural child, through his guardian ad
23 litem Sylvia Moreno; Angel Infinity Toscano, a minor, decedent's natural child, through his
24 guardian ad litem Sylvia Moreno; and Jimmy Lee Long, a minor, decedent's ward, through his
25 guardian ad litem Sylvia Moreno. (ECF No. 19 at ¶ 2.)

26 On December 1, 2016, an order issued ordering the parties to file dispositional documents
27 within sixty days. (ECF No. 80.) On December 8, 2016, Plaintiff Steven Wade Toscano filed a
28 petition for minor's compromise. (ECF No. 81.)

1 On December 14, 2016, the Court disregarded Steven Wade Toscano's petition for
2 minor's compromise filed on December 8, 2016. (ECF No. 82.) The Court also advised Plaintiff
3 that in the Eastern District the minor's compromise is addressed by Local Rule 202(b) which
4 states that "[n]o claim by or against a minor or incompetent person may be settled or
5 compromised absent an order by the Court approving the settlement or compromise." The Court
6 also noted that there are claims of five minors that are proceeding in this action and only one
7 minor had filed a petition for minor's compromise. The Court ordered the minor Plaintiffs in
8 this action to file a petition for minor's compromise that complies with Local Rule 202 within
9 fourteen (14) days of the date of service of the order. Therefore, the minor Plaintiffs' petitions
10 for minor's compromise were due on January 3, 2017.

11 On December 28, 2016, Plaintiff Steven Wade Toscano filed a petition for minor's
12 compromise. (ECF No. 83.) The other four minor Plaintiffs, Anthony Keith Toscano, Julian
13 Matthew Toscano, Angel Infinity Toscano, and Jimmy Lee Long, did not file a petition for
14 minor's compromise in compliance with the Court's December 14, 2016 order, or otherwise
15 respond to the Court's December 14, 2016 order.

16 Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these
17 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
18 sanctions . . . within the inherent power of the Court." The Court has the inherent power to
19 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
20 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
21 2000).

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1 Accordingly, IT IS HEREBY ORDERED that minor Plaintiffs Anthony Keith Toscano,
2 Julian Matthew Toscano, Angel Infinity Toscano, and Jimmy Lee Long shall show cause no later
3 than **January 13, 2017**, why sanctions should not be imposed for failure to comply with the
4 December 14, 2016 order. **Plaintiffs are forewarned that the failure to show cause may**
5 **result in the imposition of sanctions, including the dismissal of this action.**

6
7 IT IS SO ORDERED.

8 Dated: **January 5, 2017**


UNITED STATES MAGISTRATE JUDGE