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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 SILUS M. VALSON,

10 Plaintiff,

11 v.

12 MATTHEW CATE and MARTIN BITER,

13 Defendants.
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Case No. 1:14-cv-01420-DAD-EPG (PC)

ORDER FOR PLAINTIFF TO SHOW
CAUSE WHY HE SHOULD NOT BE
SANCTIONED FOR FAILURE TO
APPEAR

ORDER FOR WARDEN OF CALIFORNIA
MEN'S COLONY TO SHOW CAUSE WHY
HE OR SHE SHOULD NOT BE
SANCTIONED FOR FAILURE TO
COMPLY WITH A COURT ORDER

ORDER DIRECTING CLERK TO SEND A
COPY OF THIS ORDER TO SENIOR
ASSISTANT ATTORNEY GENERAL
MONICA ANDERSON, THE WARDEN OF
CALIFORNIA MEN'S COLONY, AND THE
LITIGATION COORDINATOR AT
CALIFORNIA MEN'S COLONY

20 Silus Valson ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
21 with this civil rights action filed pursuant to 42 U.S.C. § 1983.

22 On March 7, 2018, the Court issued a scheduling order in this case. (ECF No. 35). As
23 part of the scheduling order, the Court set a telephonic discovery and status conference for
24 October 15, 2018 at 1:30 p.m. (*Id.*). The order stated:

25 A discovery and status conference is set for **October 15, 2018, at**
26 **1:30 p.m.** Parties have leave to appear by phone. To join the
27 conference, each party is directed to call the toll-free number
28 **(888) 251-2909** and use **Access Code 1024453**.

1 ...

2 Plaintiff shall make arrangements with staff at his or her
3 institution of confinement for his or her attendance at the
4 discovery and status conference. Plaintiff's institution of
5 confinement shall make Plaintiff available for the conference at
6 the date and time indicated above. To the extent possible, prior
7 to the conference defense counsel shall confirm with Plaintiff's
8 institution of confinement that arrangements have been made for
9 Plaintiff's attendance.

10 (Id. at 4-5).

11 The Court attempted to hold the conference on the date and time ordered. The
12 undersigned Judge and her court staff were present. Defense Counsel Tyler Heath and
13 Michelle Angus telephonically appeared on behalf of Defendants. However, Plaintiff failed to
14 appear.

15 Mr. Heath stated that prior to the Conference he contacted Plaintiff's institution of
16 confinement regarding Plaintiff's attendance at the Conference, and that Plaintiff's attendance
17 was confirmed. He did not know the reason Plaintiff failed to appear.

18 After waiting approximately ten minutes, the Court had to continue the conference due
19 to Plaintiff's failure to appear.

20 Accordingly, the Court will order Plaintiff to show cause why he should not be
21 sanctioned for failing to appear at the conference.

22 The Court will also order the Warden of California Men's Colony to show cause why
23 the Warden should not be sanctioned for failing to comply with the Court's order directing
24 Plaintiff's institution of confinement to make Plaintiff available for the conference (ECF No.
25 35, p. 4).

26 Accordingly, IT IS ORDERED that:

- 27 1. Plaintiff shall show cause why sanctions should not issue for his failure to attend
28 the conference. Plaintiff has until October 30, 2018, to file a written response
 explaining why he did not attend the conference;
2. The Warden of California Men's Colony shall show cause why sanctions should

1 not issue for the Warden's failure to comply with the Court's order directing
2 Plaintiff's institution of confinement to make Plaintiff available for the
3 conference. The Warden has until October 30, 2018, to file a written response
4 explaining why he or she did not make Plaintiff available for the conference;
5 and

- 6 3. The Clerk of Court is directed to serve a copy of this order on Supervising
7 Deputy Attorney General Monica Anderson, the Warden of California Men's
8 Colony, and the Litigation Coordinator at California Men's Colony.

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10 IT IS SO ORDERED.

11 Dated: October 16, 2018

12 /s/ Eric P. Grogan
13 UNITED STATES MAGISTRATE JUDGE
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