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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BRUCE BERNA,

 Plaintiff,

 v.

LUKE POWELL, *et al.*,

 Defendants.

**Case No. 1:15-cv-00283-AWI-EPG

ORDER TO SHOW CAUSE FOR
FAILURE TO APPEAR AND FAILURE TO
PROSECUTE**

On August 24, 2015, Plaintiff Bruce Berna filed a First Amended Complaint (“FAC”) in this action. (ECF No. 6.) The Court initially attempted to schedule the case on May 25, 2016, but Plaintiff failed to appear for the scheduling conference. The Court set an order to show cause hearing and ordered Plaintiff to file a written response to the order to show cause. Plaintiff did not file any written response, but appeared at the order to show cause hearing. The Court discharged the order to show cause and issued a scheduling order for the case. The Court also advised Plaintiff that it would not tolerate further failures to appear or failures to obey court orders and warned that sanctions would issue for any future violations. (ECF No. 28.)

On August 25, 2016, the Court conducted an informal discovery dispute conference between the parties based on Plaintiff’s refusal to respond to any of Defendants’ discovery requests. Plaintiff was instructed to respond to the outstanding discovery requests. On September 12, 2016, Defendants filed a motion to compel, stating that Plaintiff had still not responded to

1 their discovery requests. The motion was properly served on Plaintiff.

2 The Court held a hearing on the motion to compel on October 21, 2016 at 10:00 a.m.
3 Catherine Woodbridge appeared telephonically for Defendants. Plaintiff failed to appear for the
4 hearing. Plaintiff did not file any opposition to the motion to compel, nor did he file any request
5 for a continuance or otherwise notify the Court that he would not be able to appear.

6 Accordingly, the Court orders that Plaintiff show cause why sanctions, up to and including
7 dismissal of his case, should not be issued for failure to appear and for failure to prosecute this
8 case.

9 No later than **October 31, 2016**, Plaintiff is ORDERED file a written response to this
10 Order to Show Cause explaining his failure to appear at the motion to compel hearing on October
11 21, 2016. The Court will issue an order on the motion to compel thereafter. **Failure to respond**
12 **to this Order as set forth above may result in the dismissal of this action.**

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14 IT IS SO ORDERED.

15 Dated: October 21, 2016

/s/ Eric P. Gray
16 UNITED STATES MAGISTRATE JUDGE

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