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

CYNTHIA HOPSON,  
Plaintiff,  
v.  
ELIASER MONTANEZ, et al.,  
Defendants.

Case No. 1:15-cv-00803-SAB  
ORDER REQUIRING MICHAEL S.  
WARDA TO SHOW CAUSE FOR HIS  
FAILURE TO APPEAR ON JANUARY 17,  
2017  
Response due by January 31, 2017  
Show Cause Hearing: February 8, 2017 at  
10:00 a.m. in Courtroom 9

On September 12, 2016, Plaintiff filed a notice of settlement. Based upon the notice of settlement, all pending dates and matters in this action were vacated and the parties were required to file dispositional documents on or before October 28, 2016. When the parties failed to file dispositional documents, an order issued requiring the parties to show cause why this action should not be dismissed. On December 11, 2016, Plaintiff filed a response stating that after the parties had agreed to settle this action, the settlement agreement was sent to Mr. Warda and no response was received. Plaintiff's counsel has not received the settlement documents despite extensive attempts to communicate with Mr. Warda.

On December 32, 2016, Plaintiff filed a request to withdraw the notice of settlement based upon the failure of Defendants to pursue the settlement agreement. On January 4, 2017, an order issued granting the request to withdraw the notice of settlement and setting a scheduling

1 conference in this action for January 17, 2017. Defendant's counsel did not appear for the  
2 January 17, 2017 scheduling conference.

3 Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these  
4 Rules or with any order of the Court may be grounds for imposition by the Court of any and all  
5 sanctions . . . within the inherent power of the Court." The Court has the inherent power to  
6 control its docket and may, in the exercise of that power, impose sanctions where appropriate,  
7 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.  
8 2000).

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1 Michael S. Warda shall show cause in writing on or before January 31, 2017 why  
11 sanctions should not issue for the failure to appear at the January 17, 2017  
12 scheduling conference;
- 13 2. Michael S. Warda shall personally appear for a show cause hearing before  
14 Magistrate Judge Stanley A. Boone on February 8, 2017 at 10:00 a.m. in  
15 Courtroom 9; and
- 16 3. Failure to comply with this order will result in the issuance of sanctions.

17 IT IS SO ORDERED.

18 Dated: January 17, 2017

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21 UNITED STATES MAGISTRATE JUDGE

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