

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 ALL PARTIES TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT ISSUE FOR THE FAILURE
TO COMPLY WITH A COURT ORDER**

(ECF No. 58)

JUNE 26, 2017 DEADLINE

On May 26, 2015, Plaintiff filed this action. (ECF No. 1.) On March 13, 2017, Plaintiff filed a notice informing the Court that the parties have reached settlement resolving this action. (ECF No. 56.) On March 14, 2017, an order issued ordering the parties to file dispositional documents within ninety days. (ECF No. 58.) More than ninety days have passed since the March 14, 2017 order was served and dispositional documents have not been filed and the parties have not otherwise responded to the Court’s order.

The Court notes that this is not the first time that the parties have failed to file dispositional documents in compliance with the Court’s orders. On September 12, 2016, Plaintiff filed a notice of settlement. (ECF No. 25.) After receiving an extension of time to file dispositional documents, the parties did not file dispositional documents by the deadline, so on December 7, 2016, the Court issued an order for Plaintiff to show cause why the action should not be dismissed. (ECF No. 29.) On December 11, 2016, Plaintiff filed a response to the order

1 to show cause. (ECF No. 30.) On December 12, 2016, the Court discharged the December 7,
2 2016 order to show cause, but advised counsel that the Court expects the parties to file requests
3 for extensions of time before the expiration of a deadline. (ECF No. 31.) On December 30,
4 2016, Plaintiff filed a request to withdraw the notice of settlement. (ECF No. 32.)

5 The Court also notes that Defendants' counsel, Michael Warda, was ordered to show
6 cause why sanctions should not issue for his failure to appear at the January 17, 2017 scheduling
7 conference. (ECF No. 34.) On January 31, 2017, Mr. Warda filed a response to the order to
8 show cause. (ECF No. 37.) On February 1, 2017, Plaintiff filed a reply to Mr. Warda's
9 response. (ECF No. 38.) On February 8, 2017, the Court held an order to show cause hearing.
10 (ECF No. 39.) The Court discharged the January 17, 2017 order to show cause on February 8,
11 2017, but advised Mr. Warda that any future failures to comply with orders of this Court will
12 result in monetary sanctions against counsel. (ECF No. 40.)

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

19 Accordingly, the Court HEREBY ORDERS all parties to show cause in writing on or
20 before **June 26, 2017**, why sanctions should not issue for the failure to comply with the March
21 14, 2017 order. Failure to comply with this order will result in the issuance of sanctions.

22 IT IS SO ORDERED.

23 Dated: June 20, 2017

24 
25 _____
26 UNITED STATES MAGISTRATE JUDGE
27
28