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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 DEVONTE B. HARRIS,

12 Plaintiff,

13 vs.

14 GERMAN, et al.,

15 Defendants.  
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**1:15-cv-01462-DAD-GSA-PC**

**ORDER FOR PLAINTIFF TO SHOW  
CAUSE WHY THIS CASE SHOULD NOT  
NOW BE DISMISSED BASED ON  
PLAINTIFF'S APPARENT FALSEHOOD  
(ECF No. 117.)**

**TWENTY-DAY DEADLINE**

17 On August 5, 2022, the Court issued an order to show cause requiring Plaintiff to respond  
18 within 20 days showing cause why this case should not be dismissed for his failure to file his  
19 pretrial statement. (ECF No. 114.) On August 31, 2022, Plaintiff filed a motion for a 14-day  
20 extension of time to respond to the order to show cause. (ECF No. 117.) Plaintiff declared, under  
21 penalty of perjury, that he was not able to access the library before the order to show cause  
22 deadline. (Declaration of Devonte B. Harris, ECF No. 117 at 2 ¶ 2.)

23 On September 2, 2022, Defendants filed the declaration of P. Williams, Litigation  
24 Coordinator for Corcoran State Prison, who provided evidence that contrary to Plaintiff's  
25 allegations, Plaintiff had been to the law library nine times between June 9, 2022 and August 15,  
26 2022, on the following dates:

- 27 a. June 9, 2022;  
28 b. June 16, 2022;

- 1 c. June 23 2022;
- 2 d. June 27, 2022;
- 3 e. July 7, 2022;
- 4 f. July 11, 2022;
- 5 g. July 19, 2022;
- 6 h. July 26, 2022;
- 7 i. August 15, 2022.

8 (Declaration of P. Williams, ECF No. 118 at 2 ¶ 4.) This evidence shows that Plaintiff attended  
9 the law library on August 15, 2022, which was well before the deadline for Plaintiff to respond  
10 to the Court's order to show cause issued on August 5<sup>th</sup>. (Id. at 17.) This evidence is clearly  
11 contrary to Plaintiff's declaration in which Plaintiff declares, under penalty of perjury, that he  
12 was not able to access the library before the above mentioned deadline to respond the court's  
13 order to show cause.

14 Interestingly, it further appears that Plaintiff attended the law library on 7 (seven) separate  
15 occasions between March 3, 2021, the date of the order which set Plaintiff's deadline to file his  
16 pretrial statement, and July 26, 2022 when it was due.

17 Therefore, within 20 days from the date of service of this order, Plaintiff is required to  
18 respond to this order showing cause why this case should not be dismissed based on the apparent  
19 falsehood written by Plaintiff in his declaration.

20 **ORDER TO SHOW CAUSE**

21 Accordingly, **IT IS HEREBY ORDERED** that within twenty days of the date of service  
22 of this order, Plaintiff is ordered to file a response to this order, showing cause why this case  
23 should not be dismissed based on the apparent falsehood written by Plaintiff in his declaration.

24 IT IS SO ORDERED.

25 Dated: September 13, 2022

26 /s/ Gary S. Austin  
27 UNITED STATES MAGISTRATE JUDGE  
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