UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No.: 1:16-cv-00906 AWI JLT
Plaintiff,) ORDER DISCHARGING ORDER TO SHOW
V.) CAUSE
ELISEO JARA, JR., et al.,	ORDER TO LISA JARA AND HER COUNSEL
Defendants.) TO APPEAR ON MARCH 1, 2017 AT 8:30 A.M.) TO SHOW CAUSE WHY SANCTIONS SHOULD
) NOT BE IMPOSED FOR THEIR FAILURE TO
) COMPLY WITH COURT ORDERS

On December 28, 2016, the Court issued the scheduling order. (Doc. 19) Counsel for the plaintiff and Ms. Jara were present personally in court while Mr. Eliseo Jara and Mr. Sergio Jara were present telephonically. (Doc. 18) At that time, the Court set a mid-discovery status conference to occur on February 3, 2017 and ordered the parties to file a joint report one week in advance. (Doc. 19 at 3-4)

Nevertheless, all of the defendants failed to participate in the preparation of the report. (Doc. 20 at 1) Thus, on January 31, 2017, the court ordered, "Defendants SHALL show cause in writing within 10 days why they should not be sanctioned for their failure to file a joint mid-discovery status conference report as ordered by the Court." (Doc. 21) On February 14, 2017, Eliseo and Sergio Jara filed a joint document responding to the order. (Doc. 22) in doing so, they fail to address why they failed to participate the preparation of the joint report and indicate only that due to their incarcerated status, they lack the ability to access documents. <u>Id</u>. While the Court appreciates this impediment,

this does not excuse the Jara's from participation in this case and absolutely does not excuse them from complying with the Court's orders. Thus, they are admonished that they SHALL participate in this case and they SHALL follow the Court's orders. Their failure to do so will result in the Court recommending that their answers be stricken and default entered against them.

For her part, neither Lisa Jara nor her attorney, Michael Whittington responded to the Court's order to show cause. Therefore, the Court **ORDERS**:

- 1. The order to show cause as to Eliseo and Sergio Jara, is **DISCHARGED**. Eliseo and Sergio Jara are admonished that they SHALL comply with all orders of the Court and SHALL, to the best of their ability fully participate in this action. Their incarcerated status does not relieved them or either obligation;
- 2. Lisa Jara and Michael Whittington are **ORDERED** to appear in person on March 1, 2017 at 8:30 a.m. at the United States Courthouse to show cause why sanctions should not be imposed on Lisa Jara and Michael Whittington and/or whether Lisa Jara's answer and that of the entities she represents should not be stricken and her default entered.

II IT IS SO ORDERED.

Dated: February 16, 2017 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE