

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARMANDO OSEGUEDA, et al.,

Plaintiffs,

v.

STANISLAUS COUNTY PUBLIC
SAFETY CENTER, et al.,

Defendants.

Case No. 1:16-cv-01218-LJO-BAM

ORDER DISCHARGING ORDERS TO
SHOW CAUSE

(Doc. Nos. 53, 56.)

Plaintiffs Armando Osegueda and Robert Palomino filed this action on August 16, 2016. (Doc. No. 1.) On February 5, 2017, a Second Amended Complaint was filed adding David Lomeli and Jairo Hernandez as Plaintiffs. (Doc. No. 22.) On January 29, 2019, the Court approved the parties' stipulation to stay this matter pending resolution of the state criminal proceedings against Plaintiffs. (Doc. No. 50.) The Court further directed Plaintiffs to file a written status report every ninety (90) days notifying the Court of the status of the criminal matter. (*Id.*)

On December 27, 2019, after no status reports had been filed, the Court issued an Order to Show Cause why sanctions should not be imposed for failure to comply with an order of the Court. (Doc. No. 53.) Plaintiffs were required to file either a written response or the required status report by January 10, 2020. (*Id.*) Plaintiffs did not file a written response or status report as required by the Court's December 27, 2019 order. Accordingly, on January 29, 2020, the

1 Court ordered Plaintiffs' counsel Amber Hope Gordon to personally appear before the Court on
2 February 12, 2020, to show cause why the action should not be dismissed for failure to prosecute
3 and failure to comply with the Court's orders. (Doc. No. 56.) Counsel was permitted to comply
4 with the Court's January 29, 2020 Order to Show Cause by filing the required status report by
5 February 10, 2020. (*Id.*)

6 On January 29, 2020, Plaintiffs filed a status report stating that the criminal proceedings
7 against Plaintiff Osegueda and Plaintiff Palomino are ongoing while the criminal proceedings
8 against Plaintiff Lomeli and Plaintiff Hernandez have been completed. (Doc. No. 54.) Plaintiffs
9 request that the case continue to be stayed pending the outcome of the remaining criminal
10 proceedings. (*Id.*)

11 In light of Plaintiffs' status report, the Court will discharge the Orders to Show Cause
12 issued December 27, 2019, and January 29, 2020. However, counsel is reminded of Plaintiffs'
13 ongoing obligation to file a written status report every ninety (90) days notifying the Court of the
14 status of the criminal matter. Counsel is further cautioned that any future failure to comply with
15 an order of the Court will result in the imposition of sanctions.

16 Accordingly, IT IS HEREBY ORDERED that the Court's Orders to Show Cause issued
17 December 27, 2019 (Doc. No. 53) and January 29, 2020 (Doc. No. 56) are HEREBY
18 DISCHARGED. No sanctions will be imposed and counsel is not required to personally appear
19 before the Court on February 21, 2020.
20 IT IS SO ORDERED.

21 Dated: January 30, 2020

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28