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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-NONE-BAM

ORDER DISCHARGING ORDER TO SHOW  
CAUSE

(Doc. No. 60.)

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

1 February 10, 2020. (*Id.*)

2 On January 29, 2020, Plaintiffs filed the required status report. (Doc. No. 54.) The Court  
3 accordingly discharged the Orders to Show Cause issued December 27, 2019, and January 29,  
4 2020. (Doc. No. 60.) However, counsel was reminded of Plaintiffs' ongoing obligation to file a  
5 written status report every ninety (90) days notifying the Court of the status of the criminal  
6 matter. (*Id.*) Counsel was further cautioned that any future failure to comply with an order of the  
7 Court will result in the imposition of sanctions. (*Id.*)

8 On May 4, 2020, after Plaintiffs again failed to file a status report, the Court issued another  
9 Order to Show Cause why sanctions should not be imposed. (Doc. No. 60.) Plaintiffs were  
10 ordered to respond in writing within fourteen (14) days and were permitted to comply with the  
11 Order to Show Cause by filing the required status report. (*Id.*) On May 22, 2020, Plaintiffs filed a  
12 status report stating that Messrs. Osegueda and Palomino's criminal cases are ongoing while  
13 Messrs. Lomeli and Hernandez's cases have been completed. (Doc. No. 61.) Plaintiffs request  
14 that the case continue to be stayed pending the outcome of Messrs. Palomino and Osegueda's  
15 criminal cases. (*Id.*)

16 In light of the status report, the Court will discharge the May 4, 2020 Order to Show Cause.  
17 However, the Court notes that, in addition to being untimely in the first instance, Plaintiffs' status  
18 report was filed well after the deadline for a response to the Order to Show Cause. Counsel is  
19 once again reminded of the obligation to file status reports every ninety (90) days. The repeated  
20 failures to comply with the Court's orders are looked upon with disfavor and **future failures will**  
21 **result in the imposition of sanctions** against counsel.

22 Accordingly, IT IS HEREBY ORDERED that the Court's Orders to Show Cause issued  
23 May 4, 2020 (Doc. No. 60) is HEREBY DISCHARGED. No sanctions will be imposed.  
24 IT IS SO ORDERED.

25 Dated: May 26, 2020

26 /s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE  
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