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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 REQUIRING COUNSEL FOR
PLAINTIFF TO APPEAR ON SEPTEMBER
10, 2020 TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR FAILURE TO OBEY A COURT ORDER**

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
9 another Order to Show Cause why sanctions should not be imposed. (Doc. No. 60.) Plaintiffs
10 were ordered to respond in writing within fourteen (14) days and were permitted to comply with
11 the Order to Show Cause by filing the required status report. (*Id.*) On May 22, 2020, Plaintiffs
12 filed the required status report. (Doc. No. 61.) The Court accordingly discharged the Order to
13 Show Cause issued May 4, 2020. (Doc. No. 62.) However, the Court noted that Plaintiffs' May
14 22, 2020 status report was filed well after the deadline for a response to the Order to Show Cause.
15 (*Id.*) Counsel was again reminded of the obligation to file status reports every ninety (90) days
16 and was additionally warned that future failures to comply with the Court's orders would result in
17 the imposition of sanctions. (*Id.*)

18 More than ninety days has elapsed since the last submission of a status report on May 22,
19 2020, and Plaintiffs have once again failed to file a timely written status report.

20 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules
21 or with any order of the Court may be grounds for imposition by the Court of any and all
22 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
23 control its docket and may impose sanctions where appropriate, including dismissal of the action.
24 *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000).

25 Accordingly, Plaintiffs' counsel, Amber Hope Gordon, is **HEREBY ORDERED** to appear
26 before the undersigned on **Thursday September 10, 2020, at 10:00 AM** to show cause why
27 sanctions, including monetary sanctions and/or dismissal of this action, should not be imposed
28 against her for failure to comply with an order of the Court. In light of the coronavirus (COVID-

1 19) outbreak and the evolving coronavirus protocols, Ms. Gordon shall appear **remotely via**
2 **Zoom**. Ms. Gordon shall contact Courtroom Deputy, Esther Valdez, at (559) 499-5788 or
3 evaldez@caed.uscourts.gov for the video and dial-in information.

4 **Failure to appear before the Court on September 10, 2020, will result in the**
5 **imposition of sanctions, including monetary sanctions and/or a recommendation that this**
6 **action be dismissed for failure to prosecute and failure to comply with the Court's orders.**

7
8 IT IS SO ORDERED.

9 Dated: August 26, 2020

/s/ Barbara A. McAuliffe
10 UNITED STATES MAGISTRATE JUDGE