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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. 64)

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 On August 26, 2020, after Plaintiffs again failed to timely file a status report, the Court
19 issued an order requiring Plaintiffs' counsel to appear before the Court to show cause why
20 sanctions should not be imposed against her. (Doc. No. 63.) On August 27, 2020, Plaintiffs filed
21 the required status report stating that Messrs. Osegueda and Palomino's criminal cases are
22 ongoing. (Doc. No. 64.) Counsel for Plaintiff further provided a declaration explaining that her
23 failure to file a timely status report was due to the death of her father. (Doc. No. 64-1.)

24 Although Plaintiffs were not ordered to respond in writing or permitted to comply with the
25 Order to Show Cause by filing the required status report, in light of the contents of Ms. Gordon's
26 declaration the Court will discharge the August 26, 2020 Order to Show Cause. Ms. Gordon has
27 provided a legitimate reason for the untimely status report in this instance.

28 The Court nonetheless notes that Plaintiffs' status reports have been tardy on multiple

1 occasions and several orders to show cause have issued in order to secure Plaintiffs' compliance
2 with applicable deadlines. Counsel's actions have caused the Court to unnecessarily expend its
3 resources to gain counsel's compliance with orders. **Counsel is strongly cautioned against**
4 **future failures to comply with the Court's orders as future failures will likely result in the**
5 **imposition of sanctions.**

6 Accordingly, IT IS HEREBY ORDERED that the Court's Order to Show Cause issued
7 August 26, 2020 (Doc. No. 64) is HEREBY DISCHARGED. No sanctions will be imposed at this
8 time.

9
10 IT IS SO ORDERED.

11 Dated: August 31, 2020

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

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