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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. 67)

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 February 10, 2020. (*Id.*)

1           On January 29, 2020, Plaintiffs filed the required status report. (Doc. No. 54.) The Court  
2 accordingly discharged the Orders to Show Cause issued December 27, 2019, and January 29,  
3 2020. (Doc. No. 60.) Counsel was cautioned that any future failure to comply with an order of the  
4 Court will result in the imposition of sanctions. (*Id.*)

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

14           On August 26, 2020, after Plaintiffs again failed to timely file a status report, the Court  
15 issued an order requiring Plaintiffs' counsel to appear before the Court to show cause why  
16 sanctions should not be imposed against her. (Doc. No. 63.) On August 27, 2020, Plaintiffs filed  
17 the required status report stating that Plaintiffs Osegueda and Palomino's criminal cases are  
18 ongoing. (Doc. No. 64.) Counsel for Plaintiff further provided a declaration explaining that her  
19 failure to file a timely status report was due to the death of her father. (Doc. No. 64-1.) On  
20 August 31, 2020, the Court discharged the Order to show cause. (doc. No. 65.)

21           On November 23, 2020, Plaintiffs' filed a status report indicating that Plaintiffs Osegueda  
22 and Palomino's criminal cases were ongoing. (Doc. No. 66.) The status report was dated January  
23 22, 2020. (*Id.* at 2.)

24           On April 6, 2021, the Court issued an Order requiring Counsel for Plaintiff to appear in  
25 person to show cause why sanctions should not be imposed for failure to obey a Court order when  
26 Counsel again failed to file the required status report. (Doc. No. 67.) On April 7, 2021, Counsel  
27 for Plaintiff filed a Status Report indicating that the criminal cases for Plaintiffs Osegueda and  
28 Palomino remain ongoing. (Doc. No. 68.)

1 On April 19, 2021, the Court held a hearing on the Order to Show cause. Counsel Amber  
2 Gordon appeared by Zoom telephone. Counsel Jonathan Paul appeared on behalf of Defendants.  
3 Ms. Gordon explained that she failed to file the status report due to a scheduling error and due to  
4 her father's death and funeral.

5 In light of the of Ms. Gordon's declarations the Court will discharge the April 6, 2021  
6 Order to Show Cause. Ms. Gordon has provided a sufficient reason for the untimely status report  
7 in this instance, but the Court nonetheless notes that the Court has had to issue numerous orders  
8 to show cause in this matter in order to obtain Plaintiff's compliance. **Counsel is strongly**  
9 **cautioned that any further failures to comply with a court order will result in a**  
10 **recommendation to the District Judge that this matter be dismissed.**

11 Accordingly, IT IS HEREBY ORDERED that the Court's Order to Show Cause issued April  
12 6, 2021 (Doc. No. 67) is HEREBY DISCHARGED. No sanctions will be imposed.

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14 IT IS SO ORDERED.

15 Dated: April 19, 2021

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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