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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK GUILLOT,
Plaintiff,
v.
TERRENCE FERRELL, et al.,
Defendants.

Case No. 1:16-cv-01307-AWI-MJS
**ORDER SANCTIONING PLAINTIFF'S
COUNSEL**

On August 7, 2017, this Court issued its Fed. R. Civ. P. 16 Scheduling Order (ECF No. 18). Because Defendant Terrence Ferrell had been served with the Complaint in this action on February 26, 2017, but had not, as of August 7, 2017, filed a responsive pleading or otherwise appeared or been excused from doing so, and because Plaintiff's counsel was unable to provide a reasonable explanation for same, the Court included in its said Scheduling Order the following: "Plaintiff shall enter the default of Defendant Terrence Ferrell on or before August 7, 2017." (ECF No. 18, Section IV.)

No such default was requested or entered on or before August 7, 2017.

1 On August 15, 2017, the Court ordered Plaintiff and Plaintiff's Counsel to show
2 cause on or before August 29, 2107, why they should not be held in contempt and/or
3 otherwise sanctioned for failure to comply with the Court's order to have entered default
4 against Defendant Terrence Ferrell before August 7, 2017. (ECF No. 21.)

5
6 Plaintiff's counsel has not responded to the said order to show cause nor made
7 any effort to explain the failure to comply with the Court's Order. Plaintiff did, however,
8 request the entry of default of said Defendant on August 22, 2017 and has moved for
9 default judgment. (ECF Nos. 24-25.)

10 No good cause for Plaintiff's failure to comply with the Court's Order has been
11 presented. Since the Court has no information as to whether Plaintiff was aware of the
12 Order or the failure to comply with it, but counsel for Plaintiff has a duty to be aware and
13 responsive and nevertheless failed to do so, the Court hereby sanctions Plaintiff's
14 counsel in the amount of \$250.00.

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16 Accordingly, IT IS ORDERED that Plaintiff's counsel of record Brian Folland
17 shall, within fourteen days of the date of this Order, pay the sum of \$250.00 to the U.S.
18 District Court, Eastern District of California, as and for a sanction for failure to comply
19 with this Court's Order.

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22 IT IS SO ORDERED.

23 Dated: September 14, 2017

24 /s/ Michael J. Seng
25 UNITED STATES MAGISTRATE JUDGE
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