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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JEREMIAH POSEY,

 Plaintiff,

 v.

EQUIFAX, INC. *et al.*,

 Defendants.

) Case No.: 1:16-cv-01322 AWI-BAM
)
) **ORDER TO SHOW CAUSE TO PLAINTIFF**
) **JEREMIAH POSEY WHY SANCTIONS**
) **SHOULD NOT BE IMPOSED INCLUDING**
) **DISMISSAL OF ACTION**
)
) **ORDER DIRECTING PLAINTIFF TO**
) **PROVIDE HIS TELEPHONE NUMBER**
)
) **HEARING: Tuesday, January 10, 2017, at**
) **10:00 AM in Courtroom 8 (BAM)**
)
)
)
)
) Plaintiff's Personal Appearance Required

TO PLAINTIFF JEREMIAH POSEY:

On September 8, 2016, Plaintiff Jeremiah Posey, proceeding *pro se* in this action, was informed by an order of the Court that an Initial Scheduling conference in this matter would be held on December 20, 2016 at 8:30 am. (Doc. 2). On December 20, 2016, counsel for Defendants appeared for the scheduling conference, however, Plaintiff Jeremiah Posey failed to appear. As a result, the scheduling conference could not proceed without Plaintiff's appearance. Further, at the hearing, counsel for Defendants informed the Court that Plaintiff has refused to provide his telephone number and there has been no verbal communication with Plaintiff since this action was filed.

Therefore, Plaintiff SHALL show cause why he has failed to participate in these proceedings and obey the order of this Court and why sanctions, up to an including terminating sanctions, should not be imposed for his failure to appear at the initial scheduling conference and provide his telephone

1 number. Plaintiff is further put on notice that failure to timely respond, as explained in this order, may
2 result in the imposition of sanctions, including dismissal of this action.

3 **DISCUSSION**

4 Eastern District of California Local Rule 131(a) provides that any party appearing *pro se* is
5 required to provide “the name, address, and telephone number of the party.” L.R. 131(a). Thus,
6 Plaintiff is required to provide the Court and opposing counsel with his telephone number.

7 Eastern District of California Local Rule Local Rule 110 provides: “Failure of counsel or of a
8 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any
9 and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have
10 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions
11 including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
12 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute
13 an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*
14 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order
15 requiring amendment of complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
16 (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th
17 Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

18 **Accordingly, the Court HEREBY ORDERS as follows:**

19 1. **Plaintiff JEREMIAH POSEY** is hereby **ORDERED TO SHOW CAUSE** why this
20 Court should not impose sanctions, including dismissal of this action, for his failure to appear at the
21 initial scheduling conference and otherwise comply with this Court’s orders. Plaintiff shall respond to
22 this Order to Show Cause, **in writing**, no later than **January 5, 2017**;

23 2. Plaintiff’s written statement **SHALL** identify his current physical address and
24 telephone number. He shall also advise the Court whether he intends to continue to prosecute this
25 action;

26 3. The Court also **SETS** a Show Cause Hearing for **January 10, 2017 at 10:00 AM** in
27 Courtroom 8 (BAM) before United States Magistrate Judge Barbara A. McAuliffe;

28 4. Plaintiff **SHALL** appear at the show cause hearing **in person on January 10, 2017**;

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5. Defendants' counsel may appear at the show cause hearing in person or by telephone by contacting chambers at 1-877-411-9748; access code 3190866 prior to the conference;

6. The Clerk of the Court is directed to serve this Order to Show Cause on Plaintiff by mail; and

7. **Plaintiff's failure to respond to this order or failure to appear at the January 10, 2017 hearing will result in the imposition of sanctions, including a recommendation of dismissal.**

IT IS SO ORDERED.

Dated: December 20, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE