UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA TIMOTHY TRUJILLO, Case No.: 1:17-cv-244 AWI-BAM ORDER TO SHOW CAUSE WHY SANCTIONS Plaintiff, SHOULD NOT BE IMPOSED INCLUDING v. **DISMISSAL** LOWE'S HOME CENTERS, LLC, RESPONSE OR NOTICE OF VOLUNTARY DISMISSAL DUE: June 15, 2017 Defendant. ORDER SETTING SHOW CAUSE HEARING Wednesday, June 21, 2017 at **HEARING:** 9:30AM in Dept. 8

TO PLAINTIFF'S COUNSEL JACOB EMRANI:

On April 20, 2017, Plaintiff Timothy Trujillo was informed by an order of the Court that a Mandatory Scheduling Conference in this matter would be held on June 6, 2017 at 9:30 AM. On June 6, 2017, Plaintiff failed to appear in Courtroom 8 before Judge Barbara A. McAuliffe. As a result, the scheduling conference could not proceed without counsel's appearance. Further, at the hearing, counsel for Defendant informed the Court that Plaintiff failed to participate in the preparation of the joint scheduling report and there has been no verbal communication with Plaintiff since this action was filed. The Court additionally noted that counsel for Plaintiff has not been admitted to practice in this district.

Therefore, Plaintiff SHALL show cause why he has failed to participate in these proceedings and obey the orders 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, participate in the joint scheduling report, and gain admission to this district. Plaintiff is further ADMONISHED that failure to timely respond, as explained in this order, may result in the imposition of sanctions, including dismissal of this action.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court." Local Rule 110. "District courts have inherent power to control their dockets," and in exercising that power, a court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party's failure to prosecute an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

Accordingly, the Court ORDERS as follows:

- 1. **Counsel for Plaintiff TIMOTHY TRUJILLO** is hereby **ORDERED TO SHOW CAUSE** why this Court should not impose sanctions, including dismissal of this action, for his failure to appear at the initial scheduling conference and otherwise comply with this Court's orders. Plaintiff shall respond to this Order to Show Cause, **in writing**, no later than **June 15, 2017**;
- 2. If Plaintiff no longer intends to pursue this case, he may satisfy the ORDER to SHOW CAUSE by filing a Notice of Voluntary Dismissal pursuant to Federal Rule of Civil 41(a)(1)(A);
- 3. The Court also **SETS** a Show Cause Hearing for **June 21, 2017 at 9:30 AM** in Courtroom 8 (BAM) before United States Magistrate Judge Barbara A. McAuliffe;
- 4. The Clerk of the Court is directed to serve this Order to Show Cause on Plaintiff by mail; and

1	5. Plaintiff's failure to respond to this order or failure to appear at the June 21, 201'	
2	hearing will result in the imposition of sanctions.	
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4	IT IS SO ORDERED.	
5	Dated: June 6, 2017	/s/Barbara A. McAuliffe
6	Dated	UNITED STATES MAGISTRATE JUDGE
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