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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 JERRY LEE KING,

11 Plaintiff,

12 v.

13 R. VILLEGAS, *et al.*,

14 Defendants.
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Case No. 1:17-cv-00676-AWI-EPG (PC)

ORDER FOR PLAINTIFF TO SHOW
CAUSE WHY HE SHOULD NOT BE
SANCTIONED FOR FAILURE TO
APPEAR

ORDER FOR WARDEN OF MULE CREEK
STATE PRISON TO SHOW CAUSE WHY
HE OR SHE SHOULD NOT BE
SANCTIONED FOR FAILURE TO
COMPLY WITH A COURT ORDER

ORDER DIRECTING CLERK TO SEND A
COPY OF THIS ORDER TO SENIOR
ASSISTANT ATTORNEY GENERAL
MONICA ANDERSON, THE WARDEN OF
MULE CREEK STATE PRISON, AND THE
LITIGATION COORDINATOR AT MULE
CREEK STATE PRISON

21 Jerry Lee King ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
22 with this civil rights action pursuant to 42 U.S.C. § 1983.

23 On September 14, 2018, the Court issued an order that, among other things, set a
24 Discovery and Status Conference for February 25, 2019 at 1:30 PM. (ECF No. 36). The order
25 stated:

26 A discovery and status conference is set for February 25, 2019, at
27 1:30 p.m. Parties have leave to appear by phone. To join the
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1 conference, each party is directed to call the toll-free number (888)
2 251-2909 and use Access Code 1024453.

3 . . .

4 Plaintiff shall make arrangements with staff at his or her institution
5 of confinement for his or her attendance at the discovery and status
6 conference. Plaintiff's institution of confinement shall make
7 Plaintiff available for the conference at the date and time indicated
8 above. To the extent possible, prior to the conference defense
9 counsel shall confirm with Plaintiff's institution of confinement
10 that arrangements have been made for Plaintiff's attendance.

11 (Id. at 4-5).

12 The Court attempted to hold the conference on the date and time ordered. The
13 undersigned and her court staff were present. Counsel Aseil H. Mohmoud telephonically
14 appeared on behalf of Defendants. However, Plaintiff failed to appear.

15 Ms. Mohmoud stated on the record that prior to the conference, she contacted Plaintiff's
16 institution of confinement, Mule Creek State Prison, and confirmed that the institution was
17 aware of the conference and would make Plaintiff available. When Plaintiff failed to attend the
18 conference, Ms. Mohmoud also attempted to contact the litigation coordinator for the
19 institution. After several attempts, it appears that defense counsel reached someone at the
20 institution and tried to find Plaintiff to have him attend the conference. Ms. Mohmoud told the
21 Court that the institution was trying to locate Plaintiff and then trying to call-in to the
22 conference. However, although the Court waited for over twenty minutes for Plaintiff to
23 appear, he failed to do so. The Discovery and Status Conference was not held, and was
24 continued to **March 11, 2019 at 9:30 a.m.**

25 Accordingly, the Court will order Plaintiff to show cause why he should not be
26 sanctioned for failing to appear at the conference.

27 The Court will also order the Warden of Mule Creek State Prison to show cause why he
28 or she should not be sanctioned for failing to comply with the Court's order directing Plaintiff's
institution of confinement to make Plaintiff available for the conference (ECF No. 36 at 4).

Based on the foregoing, IT IS ORDERED that:

1. Plaintiff shall show cause why sanctions should not issue for his failure to attend

1 the conference. Plaintiff has until March 8, 2019, to file a written response
2 explaining why he did not attend the conference;

3 2. The Warden of Mule Creek State Prison shall show cause why sanctions should
4 not issue for the Warden's failure to comply with the Court's order directing
5 Plaintiff's institution of confinement to make Plaintiff available for the
6 conference. The Warden has until March 8, 2019, to file a written response
7 explaining why he or she did not make Plaintiff available for the conference;

8 3. The parties shall appear for a Telephonic Discovery and Status Conference on
9 **March 11, 2019 at 9:30 a.m.** To join the conference, each party is directed to
10 call the toll-free number **(888) 251-2909** and use **Access Code 1024453**.
11 Plaintiff shall make arrangements with staff at his institution of confinement for
12 his attendance at the discovery and status conference. Plaintiff's institution of
13 confinement shall make Plaintiff available for the conference at the date and
14 time indicated above. To the extent possible, prior to the conference defense
15 counsel shall confirm with Plaintiff's institution of confinement that
16 arrangements have been made for Plaintiff's attendance; and

17 4. The Clerk of Court is directed to serve a copy of this order on Supervising
18 Deputy Attorney General Monica Anderson, the Warden of Mule Creek State
19 Prison and the Litigation Coordinator at Mule Creek State Prison.

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21 IT IS SO ORDERED.

22 Dated: February 27, 2019

23 /s/ Eric P. Gray
24 UNITED STATES MAGISTRATE JUDGE
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