1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 SHAJIA AYOBI, Case No.: 1:17-cv-00693-DAD-SAB (PC) 12 Plaintiff, ORDER FOR DEFENSE COUNSEL TO SHOW CAUSE IN WRITING WHY SANCTIONS 13 v. SHOULD NOT BE IMPOSED FOR FAILURE TO COMPLY WITH COURT'S DEADLINE, AND 14 DERRAL G. ADAMS, et al., VACATING WRIT OF HABEAS CORPUS AD TESTIFICANDUM AND SETTLEMENT 15 Defendants. CONFERENCE SCHEDULED FOR SEPTEMBER 16 13, 2018 17 [ECF Nos. 27, 28, 29] 18 19 Plaintiff Shajia Ayobi is appearing pro se and in forma pauperis in this civil rights action 20 pursuant to 42 U.S.C. § 1983. 21 On May 9, 2018, the Court referred this case to post-screening Alternative Dispute Resolution, 22 and a settlement conference is set for September 13, 2018, at 9:30 a.m. before United States 23 Magistrate Judge Barbara A. McAuliffe. (ECF No. 27.) In that order, the Court allowed defense 24 counsel the option to "opt-out" of the settlement conference within thirty days, i.e. June 8, 2018. (<u>Id.</u>) 25 /// 26 27 28

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Despite the thirty-day deadline, Defendants filed a request to opt out of the early settlement conference on September 4, 2018. (ECF No. 29.) Defense counsel fails to explain his failure to comply with thirty-day deadline and why the request to opt-out was filed a week before the scheduled settlement conference. Accordingly, it is HEREBY ORDERED that:

- 1. Within **fifteen** (**15**) days from the date of service of this order, defense counsel shall show cause in writing why sanctions should not be imposed for failure to comply with the deadline set forth in the Court's May 9, 2018 order;
- 2. In light of the instant order, the settlement conference scheduled for September 13, 2018, at 9:30 a.m. before the Honorable Barbara A. McAuliffe (ECF No. 27) is VACATED and the writ of habeas corpus ad testificandum issued August 14, 2018 (ECF No. 28) is also VACATED; and
- 3. The Clerk of Court is directed to serve a courtesty copy of this order on the Litigation Coordinator at Central California Women's Facility in Chowchilla.

IT IS SO ORDERED.

Dated: September 5, 2018

UNITED STATES MAGISTRATE JUDGE

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