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3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
5 **FRESNO DIVISION**
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8 WILLIAM HOPSON,

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10 PLAINTIFF,

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12 v.

13 AMERICAN TIRE DEPOT, INC., et al.,

14 DEFENDANTS.
15

Case No.: 1:17-cv-880-LJO-SAB

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND REQUIRING PLAINTIFF TO FILE
DISPOSITIONAL DOCUMENTS WITHIN
SIXTY DAYS

(ECF Nos. 10, 11, 12)

16 On November 20, 2017, an order was filed requiring Plaintiff to show cause why this action
17 should not be dismissed for Plaintiff's failure to comply with court orders. On November 20, 2017,
18 Plaintiff filed a response to the order to show cause and a notice of settlement.

19 Plaintiff's response to the order to show cause asks the Court not to dismiss this action
20 because the case has settled. Plaintiff apologizes for not filing a notice of settlement earlier.
21 However, Plaintiff has provided no reason for the failure to comply with the orders issued in this
22 action. The Court notes that counsel for Plaintiff repeated fails to show cause by providing a reason
23 for his failure to comply with orders to cause issued in actions. For example, in Hopson v. Ron
24 Simi, Inc., No. 1:17-cv-00879-DAD-SAB, an order to show cause issued on the same date as the
25 order issued in the instant case. In that action, Plaintiff filed a notice of dismissal, but has not
26 responded to the order to show cause.
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1 Similarly, in both this action and Hopson v. Ron Simi, Inc., the Court has previously noted
2 that Plaintiff failed to respond to a prior order to show cause. The Court discharged the orders in
3 both causes but “counsel for Plaintiff [was] advised that orders are not mere suggestions to which the
4 party may choose to respond. When the Court issues an order requiring an act by a date certain, the
5 party is required to act. Counsel Daniel Joseph Malakauskas is hereby provided with notice that
6 should there be future failures to respond to orders of this Court, monetary sanctions will issue
7 without further notice.” (ECF No. 9 at 1:25-2:2.) Counsel is informed that when the Court issues an
8 order to show cause, the party is **required to show cause** why sanctions should not issue.
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10 In this instance, the Court will discharge the order to show cause, but any further failures to
11 respond to Court orders or failure to show cause in response to an order requiring the party to show
12 cause why sanctions should not issue will result in the issuance of sanctions.
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14 Based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. The order to show cause, filed November 16, 2017, is DISCHARGED;
- 16 2. All pending dates in this matter are VACATED;
- 17 3. Plaintiff shall file dispositive documents on or before January 22, 2018;
- 18 4. **Counsel Daniel Joseph Malakauskas is advised that future failures to comply**
19 **with orders of this Court will result in the issuance of monetary sanctions.**
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22 IT IS SO ORDERED.

23 Dated: November 21, 2017

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28 UNITED STATES MAGISTRATE JUDGE