

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA HOPSON,
Plaintiff,
v.
AMERICAN TIRE DEPOT, INC., et al.
Defendants.

Case No. 1:17-cv-00880-LJO-SAB
**ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT ISSUE FOR FAILURE TO
COMPLY WITH COURT ORDER BY
CLOSE OF BUSINESS**
(ECF No. 5)

On July 4, 2017, Plaintiff Cynthia Hopson filed this action alleging violations the Americans with Disabilities Act of 1990 and state law. On July 5, 2017, the order setting the mandatory scheduling conference issued.

The order set the mandatory scheduling conference for September 26, 2017, with the joint statement due one full week prior. Further, the order required Plaintiff to diligently pursue service of the summons and complaint and to promptly file proofs of service. Plaintiff has not filed proofs or service, filed a joint statement, or otherwise responded to the July 5, 2017 order. On September 19, 2017, the courtroom deputy reached out to Plaintiff’s counsel regarding the failure to file the joint statement and has received no response.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” The Court has the inherent power to

1 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
2 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
3 2000).

4 Accordingly, the Court HEREBY ORDERS PLAINTIFF TO SHOW CAUSE in writing
5 by the close of business on the date of entry of this order why sanctions should not issue for the
6 failure to comply with the court order. **Plaintiff is forewarned that the failure to show cause**
7 **may result in the imposition of sanctions, including the dismissal of this action.**

8
9 IT IS SO ORDERED.

10 Dated: September 20, 2017


UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28