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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7 **FRESNO DIVISION**
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10 WILLIAM HOPSON,

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12 PLAINTIFF,

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14 v.

15 AMERICAN TIRE DEPOT, INC., et al.,
16 DEFENDANTS.

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

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND GRANTING PLAINTIFF'S
REQUEST FOR CONTINUANCE OF
MANDATORY SCHEDULING CONFERENCE

(ECF Nos. 7, 8)

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18 On September 20, 2017, an order was filed requiring Plaintiff to show cause by the close of
19 business why sanctions should not issue for the failure to file a joint statement in compliance with
20 the Court's July 5, 2017 order setting the mandatory scheduling conference. Plaintiff did not
21 respond to the order to show cause. On September 21, 2017, Plaintiff filed a request for a
22 continuance of the scheduling conference.
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24 In this instance, the Court shall discharge the order to show cause and grant Plaintiff's
25 request to continue the scheduling conference. However, counsel for Plaintiff is advised that orders
26 are not mere suggestions to which the party may choose to respond. When the Court issues an order
27 requiring an act by a date certain, the party is required to act. Counsel Daniel Joseph Malakauskas is
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1 hereby provided with notice that should there be future failures to respond to orders of this Court,
2 monetary sanctions will issue without further notice.

3 Based on the foregoing, IT IS HEREBY ORDERED that:

- 4 1. The order to show cause, filed September 20, 2017, is DISCHARGED;
- 5 2. The mandatory scheduling conference set for September 26, 2017, is CONTINUED
6 to **November 21, 2017, at 10:45 a.m.** in Courtroom 9; and
- 7 3. Counsel Daniel Joseph Malakauskas is advised that future failures to respond to
8 orders of this Court will result in the issuance of monetary sanctions. This shall
9 constitute prior notice for the imposition of future monetary sanctions for failure to
10 comply with orders of this Court.
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13 IT IS SO ORDERED.

14 Dated: September 21, 2017

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17 UNITED STATES MAGISTRATE JUDGE
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