

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

THERESA BROOKE,
Plaintiff,
v.
HI FRESNO HOTEL HOLDINGS, LLC.,
Defendant.

Case No. 1:18-cv-00156-AWI-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY MONETARY
SANCTIONS SHOULD NOT ISSUE FOR
FAILURE TO COMPLY WITH COURT
ORDERS

(ECF Nos. 6, 8)

Plaintiff Theresa Brooke filed this action on January 27, 2018, alleging violation of the Americans with Disabilities Act against Defendant Hi Fresno Hotel Holdings, LLC. (ECF No. 1.) On March 6, 2018, Defendant filed an answer. (ECF No. 4.) On April 11, 2018, Plaintiff filed a notice of settlement and was ordered to file dispositional documents on or before May 29, 2018. (ECF Nos. 5, 6.)

On April 28, 2018, Plaintiff filed a notice of dismissal. (ECF No. 7.) On April 30, 2018, an order issued disregarding the notice of dismissal. (ECF No. 8.) In the April 30, 2018 order, Plaintiff was advised that the notice of dismissal was defective because it did not comply with Rule 41 of the Federal Rules of Civil Procedure. The order noted that the Court had previously advised Plaintiff regarding the requirements of Rule 41 when a similarly defective dismissal had been filed in Brooke v. Prime Hospitality Services, LLC, No. 1:17-cv-01582-AWI-SAB (E.D. Cal. Feb. 13, 2018). The notice of dismissal was disregarded and Plaintiff was ordered to file a

1 request for dismissal that complies with Rule 41 within fourteen days of April 30, 2018.

2 The time for Plaintiff to respond to both the April 11, 2018, and April 30, 2018 orders has
3 passed and Plaintiff has not filed a notice of dismissal that complies with Rule 41 or otherwise
4 responded to the April 30, 2018 order.

5 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
6 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
7 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
8 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
9 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
10 2000).

11 Accordingly, the Court HEREBY ORDERS PLAINTIFF TO SHOW CAUSE within
12 **fourteen (14) days** of the date of entry of this order why monetary sanctions should not issue for
13 the failure to comply with the April 11, 2018, and April 30, 2018 orders and why this Court
14 should not recommend dismissal of this action.

15 IT IS SO ORDERED.

16 Dated: June 4, 2018

17 
18 _____
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28