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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY DILLINGHAM,  
Plaintiff,  
v.  
F. GARCIA,  
Defendant.

No. 1:18-cv-00579-DAD-EPG (PC)

AMENDED ORDER TO SHOW CAUSE AND  
SETTING STATUS CONFERENCE

On May 2, 2022, the court issued an order to show cause directing plaintiff Jerry Dillingham to notify the court whether he intends to proceed to trial without counsel or whether he intends to no longer prosecute this case. (Doc. No. 189.) This order to show cause was issued in part due to plaintiff's failure to appear at a trial status conference held via Zoom, which was set for and held on May 2, 2022. After the court's order to show cause issued, plaintiff called the court's direct telephone line and left a message stating that he had been unable to access the status conference by video. Plaintiff requested that the hearing instead be held telephonically. As a result of plaintiff's phone message, the court now issues this amended order to show cause and sets this case for another trial status conference to take place May 6, 2022 at 10:00 a.m.

As stated in the court's prior order to show cause, this court held a status conference on May 2, 2022, at which time the court sought to address COVID-19 protocols for the upcoming jury trial in this case set to begin on May 17, 2022. Plaintiff Jerry Dillingham failed to appear at

1 the May 2, 2022 status conference. However, just prior to that status conference, plaintiff sent an  
2 *ex parte* email to the court, in which he again requested the appointment of counsel in connection  
3 with the status conference and any other court proceedings conducted in the future. This court  
4 has already denied plaintiff's requests for counsel on three separate occasions. (Doc. No. 11, 112,  
5 181.) In light of plaintiff's email, his failure to appear at the May 2, 2022 trial status conference,  
6 and this court's prior orders, plaintiff was ordered to notify the court whether he intends to  
7 proceed to trial without counsel in this action or whether he intends to no longer prosecute this  
8 case. (Doc. No. 189.) Plaintiff was ordered to file such notice with the court by no later than  
9 May 9, 2022. Nevertheless, because plaintiff contacted the court via telephone after the court's  
10 order to show cause issued, stating that he had been unable to access the Zoom link for the status  
11 conference, the court now resets this case for a trial status conference to take place May 6, 2022  
12 at 10:00 a.m. This parties may appear by Zoom or by phone—as plaintiff has requested—and the  
13 court will separately send the phone and Zoom login information to the parties.

14 However, this case is scheduled for jury trial to begin on May 17, 2022. The court is very  
15 concerned about requiring a large number of prospective jurors to report on that day if plaintiff  
16 does not intend to proceed with the trial of this action absent the appointment of counsel, as it  
17 appears he has suggested at times. Obviously, if plaintiff were to fail to appear on the first day of  
18 trial that would unnecessarily inconvenience a great number of people including the assembled  
19 jury pool. As such, the court's previous order to show cause remains in effect. Plaintiff is hereby  
20 forewarned that if he does not appear for the May 6, 2022 trial status conference or fails to file  
21 with the court a written notice of his intent to appear at trial, this case will be dismissed due to  
22 plaintiff's failure to prosecute this action and failure to obey court orders.

23 Accordingly,

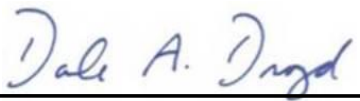
- 24 1. This case is set for a status conference to occur on May 6, 2022 at 10:00 a.m.;
- 25 2. Plaintiff is ordered to appear at the May 6, 2022 status conference;
- 26 3. The Clerk of the Court is directed to also serve a copy of this order on plaintiff at  
27 his email address of record in order to expedite his receipt of this order to show  
28 cause; and

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4. Failure to appear or to file a notice in response to the court's prior order to show cause (Doc. No. 189) will result in the dismissal of this action.

IT IS SO ORDERED.

Dated: May 3, 2022

  
UNITED STATES DISTRICT JUDGE