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3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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7 **In Re Potential Juror Orey Sloan.**  
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**1:19-mc-00078-LJO**

**ORDER TO SHOW CAUSE RE  
CRIMINAL CONTEMPT OF COURT**

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11 The Court has been provided information by way of a sworn affidavit from the Jury  
12 Administrator for the U.S. District Court for the Eastern District of California (Attachment A) indicating  
13 that Orey Sloan, an individual who the Court understands resides at 2617 N. Arthur Ave., Fresno, CA  
14 93705, used abusive and threatening language toward employees of this Court on Court property on or  
15 about September 20, 2019. Mr. Sloan was part of a jury panel summoned to appear in a courtroom in  
16 this Courthouse on September 17, 2019. He returned to the jury assembly room the morning of  
17 September 20, 2019, and proceeded to, among other things, verbally abuse this Court’s Jury  
18 Commissioner.

19 Under 18 U.S.C. § 401, this Court has the “power to punish by fine or imprisonment, or both, at  
20 its discretion, such contempt of its authority, and none other, as--(1) Misbehavior of any person in its  
21 presence or so near thereto as to obstruct the administration of justice; (2) Misbehavior of any of its  
22 officers in their official transactions; (3) Disobedience or resistance to its lawful writ, process, order,  
23 rule, decree, or command.” Federal Rule of Criminal Procedure 42(a) provides in pertinent part:

24 (a) Disposition After Notice. Any person who commits criminal contempt may be  
punished for that contempt after prosecution on notice.

25 (1) Notice. The court must give the person notice in open court, in an order to

1 show cause, or in an arrest order. The notice must:

2 (A) state the time and place of the trial;

3 (B) allow the defendant a reasonable time to prepare a defense; and

4 (C) state the essential facts constituting the charged criminal contempt and  
5 describe it as such.

6 (2) Appointing a Prosecutor. The court must request that the contempt be  
7 prosecuted by an attorney for the government, unless the interest of justice  
8 requires the appointment of another attorney. If the government declines the  
9 request, the court must appoint another attorney to prosecute the contempt.

10 (3) Trial and Disposition. A person being prosecuted for criminal contempt is  
11 entitled to a jury trial in any case in which federal law so provides and must be  
12 released or detained as Rule 46 provides. If the criminal contempt involves  
13 disrespect toward or criticism of a judge, that judge is disqualified from presiding  
14 at the contempt trial or hearing unless the defendant consents. Upon a finding or  
15 verdict of guilty, the court must impose the punishment.

16 Pursuant to 18 U.S.C. § 401 and Federal Rule of Criminal Procedure 42(a), the undersigned, as  
17 Chief of this District, ORDERS Mr. Sloan to SHOW CAUSE why he should not be held in criminal  
18 contempt for his conduct. *See* Fed. R. Crim. P. 42(a)(3). Mr. Sloan is FURTHER ORDERED to appear in  
19 person in Courtroom 4 (LJO) on Wednesday, September 25, 2019, at 9:00 am, to provide a response to  
20 this Order to Show Cause, either in writing or orally. Depending on the outcome of the OSC hearing, the  
21 Court may request that the U.S. Attorney's Office for the Eastern District of California prosecute the  
22 matter, *see* Fed. R. Crim. P. 42(a)(2), and shall appoint the Federal Defender's office for the Eastern  
23 District of California to represent Mr. Sloan should he qualify for their services. He may retain his own  
24 counsel should he wish to do so.

25 IT IS SO ORDERED.

Dated: Sept 20, 2019

  
UNITED STATES CHIEF DISTRICT JUDGE

Attachment A

September 20, 2019

I, Heather Mabe Greeley, hereby declare under penalty of perjury that the following is true and correct. I am employed as the Jury Administrator for the U. S. District Court, Eastern District of California.

On the morning of September 20, 2019 at approximately 8:00 a.m. just after opening the doors to the jury assembly room, a trial juror came in to validate his parking, and soon after entered Mr. Orey Sloan. Mr. Sloan had been a juror in Judge Ishii's September 17<sup>th</sup> panel and was dismissed and told to call the 1-800 number Friday after 5:00 p.m.

Mr. Sloan stated he was here to check in. I explained I had no jurors appearing today, but I could validate his parking ticket for him. Mr. Sloan argued that he was told to return when he was excused from Judge Ishii's courtroom earlier this week. I explained it's possible he misheard the judge's instructions and repeated we have no trials starting today. We do have trials beginning next week and he's set to call the 1-800 number tonight after 5:00. Mr. Sloan argued I was wrong, raising his voice. I attempted to calm him stating I would have had the entire group of jurors he was here earlier with sitting in the jury room if the Judge had announced for them to return. He walked out.

As I was validating a parking ticket for a trial juror Mr. Sloan returned to argue further, stating that I had told him to return today (Friday) for jury service. I stated he was mistaken. He began cursing, stating he 'can't afford this shit' - he's 'tired of this shit' and 'you people don't know what the hell you are doing'. He walked out again. As he was cursing at me I pulled up his record thinking he may be one of our long-distance travelers however he is retired and lives 6 miles from the courthouse. During all of this I was validating parking tickets for our returning trial jurors.

Mr. Sloan returned at least two more times growing more agitated to curse at me, shake his summons at me and then leave. He asked who does he talk to 'to get out of this shit'? I explained he can come in next week and speak directly with the presiding judge, but he wanted to talk with someone today. I let him know my supervisor is located in the Clerk's office on the first floor. He left.

I immediately called Angela to let her know he could possibly be coming to talk with her and what he was upset about. While I was on the phone with her he returned the last time cursing about 'you people', 'the government' and said he's 'tired of this shit.' He then threw his summons at me and told me I could 'shove it up my ass'. As he walked out my office door, with his back to me, he said, "You can all go fuck yourself."

