

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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ANDREW A. CEJAS,

Plaintiff,

v.

MARK IWASA,

Defendant.

No. 2:05-cv-01121-AK

ORDER

* * * * *

The parties have filed competing motions to compel discovery. Plaintiff states that defendant has not responded to his interrogatories and requests for production of documents and seeks \$15,000 in sanctions. Defendant claims plaintiff has done the same with his interrogatories and requests for production of documents, and asks that plaintiff's suit be dismissed as a result.


Both parties have a history of missing deadlines in this action. Plaintiff was given 30 days to file a civil rights complaint after his petition for habeas corpus was dismissed, and he failed to meet that deadline. And defendant was previously ordered to show cause why he should not be sanctioned for his failure to respond to

service of process.

The court therefore orders both parties to show cause why they should not be sanctioned—plaintiff by an order requiring him to pay defendant’s reasonable expenses caused by his failure to respond to defendant’s discovery requests, and defendant by an order taking as established plaintiff’s allegation that defendant refused to accommodate his religious diet. Each party shall file its response to this order by Wednesday, December 23, 2009. By that same date, each party shall also respond to the other party’s discovery requests.

The parties are hereby warned that further failure to comply with the rules pertaining to discovery may result in sanctions of a more severe variety.

November 23, 2009



ALEX KOZINSKI
Chief Circuit Judge
Sitting by designation