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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 THOMAS CLINTON,
12 Plaintiff,

No. CIV S-05-1600-LKK-CMK-P

13 vs.

ORDER

14 CALIFORNIA DEPARTMENT OF
15 CORRECTIONS, et al.,
16 Defendants.
_____ /

17 Plaintiff, a former state prisoner proceeding pro se, brings this civil rights action
18 pursuant to 42 U.S.C. § 1983. On May 11, 2009, the court issued an order requiring Plaintiff to
19 produce documents on or before June 10, 2009. The court also ordered Defense counsel to notify
20 the court whether Plaintiff had produced the documents within 10 days of Plaintiff's production,
21 or within 10 days of the deadline if Plaintiff failed to comply. The time for Defense counsel to
22 notify the court has passed, and the court has not received any notification.

23 Accordingly, Defense counsel will be required to show cause in writing, within 20
24 days of the date of this order, why monetary sanctions should not be imposed for failure to follow
25 a court order.

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1 In addition, the court ordered that if Plaintiff fails to produce his documents, the
2 undersigned would recommend dismissal of this action for Plaintiff's failure to follow court
3 orders. As the court was not notified that Plaintiff failed to produce the documents, as required,
4 the court finds no grounds for dismissing this case. The defense motion for dismissal sanctions
5 will therefore be denied.

6 The undersigned is aware that there are numerous pending motions and/or filings
7 pending before the court. Given the length of the docket in this case, the court will require the
8 parties to brief the court as to the status of this case. The court will require the parties to file and
9 serve status reports which address the following: (1) which motions are outstanding, giving the
10 court a brief summary of each pending motion and referencing the docket number¹, (2) whether
11 responsive pleadings are appropriate or necessary as to any outstanding motion, (3) whether this
12 case is ready for dispositive motions², (4) how much time the parties need to prepare the
13 dispositive motions, (5) whether, besides dispositive motions, they are considering filing any
14 other motion, and (6) whether this case is amenable to mediation. The parties may also submit
15 additional information as to the status of this case, but they are cautioned that the court expects
16 the status reports to be brief. Status reports are not the means by which to argue the merits of any
17 outstanding motion, but are designed to inform the court as to what issues are outstanding. The
18 parties are also cautioned that their status reports are not to exceed ten pages in length, and are
19 not to have exhibits attached. If either party decides additional briefing of any pending motion is
20 necessary, they may inform the court in their status report providing the court with an estimate of
21 how much time is necessary to file further briefs.

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24 ¹ The summary for each pending motion should be no longer than one short
paragraph. The court will provide Plaintiff with a copy of the recent docket sheet for reference.

25 ² The court is aware that it has set a dispositive motion deadline for
26 August 17, 2009. However, depending on the status reports, the court may find it appropriate to
reset that deadline.

1 Finally, until the status reports are submitted and the court has addressed the
2 status of this case, Plaintiff remains under the previous requirement that he file no additional
3 documents in support of his position or pending motions, including letters, declarations,
4 affidavits, reference documents, newspaper articles, studies, etc. This restriction is not intended
5 to restrict the filing of a proper motion, but rather is a restriction on the filing of pleadings not
6 contemplated by the Federal Rules of Civil Procedure. See Fed. R. Civ. Proc. 7. Plaintiff has
7 already filed numerous motions raising the same or similar arguments. The court will address
8 those, following the submission of the status reports, but cautions Plaintiff not to file any
9 additional duplicative motions.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Defendants' motion for dismissal sanctions (Doc. 318) is denied;
- 12 2. Defense counsel shall show cause in writing, within 20 days, why
13 monetary sanctions should not be imposed for failure to follow a court order;
- 14 3. The Clerk of the Court is directed to provide Plaintiff with a copy of the
15 Docket Sheet report, from April 1, 2008, to the present;
- 16 4. Plaintiff shall file a status report, as detailed above, within 30 days of the
17 date of this order; and
- 18 5. Defendants shall file a status report, as detailed above, within 20 days of
19 the date Plaintiff's status report is filed.

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21 DATED: July 8, 2009

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23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE
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