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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BYRON EUGENE JOHNSON,

Plaintiff,

No. CIV S-05-2123 KJM-EFB P

vs.

DAVID L. RUNNELS, et al.,

Defendants.

ORDER

_____ /

On June 27, 2011, the court ordered defense counsel, Phillip L. Arthur, to show cause why he should not be sanctioned for the contents of a conversation he had on April 13, 2011 with plaintiff’s anticipated witness, Van M. Washington. (ECF 188.) Mr. Arthur responded to the order on July 8, 2011 (ECF 189) and the court held a hearing on the matter on August 3, 2011 at which Mr. Arthur and his supervisor, Monica Anderson, were present. While the court does not find Mr. Arthur’s written response to the order particularly satisfactory, and does not approve the attempt to explain the conversation with Mr. Washington as reflecting merely a “poor choice of words,” the court is substantially satisfied by Mr. Arthur’s response to questions at hearing describing how he would respond differently if confronted with the same situation today.

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Accordingly, the court hereby DISCHARGES the order to show cause.

IT IS SO ORDERED.

DATED: August 8, 2011.


UNITED STATES DISTRICT JUDGE