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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARIA SOTO, et al.,  
Plaintiffs,

No. 2:06-cv-01612-MCE-DAD  
(consolidated and related cases)

v.

**ORDER**

GREYHOUND LINES, INC.,  
et al.,  
Defendants.

\_\_\_\_\_ /

On July 6, 2010, the day appointed for the commencement of trial in this matter as to Plaintiff Sherman Kinard's claims, Plaintiff Kinard, who was representing himself in *pro se*, failed to appear at the appointed 9:00 a.m. time. The Court consequently dismissed Plaintiff Kinard's claims for failure to prosecute.

At approximately 3:32 p.m. on July 6, 2010, after his case had been dismissed as set forth above, Plaintiff Kinard filed a request (Docket No. 253) that the case be continued for a period of nine months.

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1 Thereafter, on July 12, 2010, Kinard filed another document  
2 (Docket No. 254) with this Court purporting both to be an appeal  
3 of the dismissal rendered against him and yet another request  
4 directed to this Court that the case be "reinstated" and  
5 continued a sufficient period of time to permit Kinard to secure  
6 additional legal representation. In that document, Kinard states  
7 that he believed his trial started at 2:00 p.m. rather than  
8 9:00 a.m. on July 6, 2010.

9 While Plaintiff Kinard repeatedly complains that he has not  
10 received proper notification from the Court in this matter,  
11 examination of the docket belies that assertion. A trial date of  
12 July 6, 2010 at 9:00 a.m. was first set nearly one year ago, on  
13 September 16, 2009 (Docket No. 172). By his own admission (see  
14 Docket No. 218), Plaintiff obtained a copy of the Court's Order  
15 signed April 2, 2010 (Docket No. 195) which granted the request  
16 of Kinard's former counsel to withdraw from this case, directly  
17 from the Clerk of Court on April 8, 2008. That Order  
18 unequivocally advised Plaintiff that the previously scheduled  
19 July 6, 2010 trial date remained in effect. Additionally, the  
20 Court's Final Pretrial Order of June 11, 2010 (Docket No. 238),  
21 served upon Plaintiff Kinard at the address he provided in  
22 Spokane, Washington, confirmed the date and time of trial as  
23 July 6, 2010 at 9:00 a.m. Significantly, Mr. Kinard himself  
24 agrees in his July 12, 2010 filing (Docket No. 254, p. 4) that he  
25 received a subsequent notice from the Court at that same address.

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1           Given the foregoing, Plaintiff Kinard's assertion that he  
2 failed to receive proper notice of the trial date lacks merit.  
3 At the May 28, 2010 Mandatory Status Conference held in this  
4 matter after Plaintiff Kinard assumed the responsibility of his  
5 own representation, the Court specifically admonished Kinard that  
6 he would be held to the same standards as an attorney in adhering  
7 to the Court's guidelines and directives. He failed to do so and  
8 his case was properly dismissed. To the extent that Plaintiff  
9 Kinard's letters filed July 6, 2010 and July 12, 2010 (Docket  
10 Nos. 253 and 254) seek relief from that dismissal and additional  
11 time to prepare his case, those requests are DENIED.

12           IT IS SO ORDERED.

13           Dated: July 15, 2010



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16           MORRISON C. ENGLAND, JR.  
17           UNITED STATES DISTRICT JUDGE  
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