

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

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|-----------------------------------|---|-----------------------------------|
| CLIFF JOHNSTON, |) | |
| |) | 2:07-cv-01280-GEB-EFB |
| Plaintiff, |) | |
| |) | <u>ORDER TO PAY A SANCTION;</u> |
| v. |) | <u>CONTINUING FINAL PRE-TRIAL</u> |
| |) | <u>CONFERENCE; AND DISMISSING</u> |
| CHARLENE LINDAUER, a/k/a CHARLENE |) | <u>TWO NAMED DEFENDANTS</u> |
| MACALUSO; VALUE HOME LOAN, |) | |
| |) | |
| Defendants. ¹ |) | |
| _____ |) | |

Plaintiff Cliff Johnston (hereinafter referenced as "Johnston"), representing himself in this case, failed to respond to an OSC filed March 20, 2009, which required a response no later than April 6, 2009. The OSC ordered Johnston to show cause why a sanction should not be imposed against him due to his failure to file a timely final pretrial statement.

Since Johnston failed to respond to the OSC and did not file a final pretrial statement, Johnston is sanctioned in the amount of FIVE HUNDRED DOLLARS (\$500.00). Johnston shall pay the sanction to

¹ The caption has been amended to reflect dismissal of Defendants G & R Mortgage and American Mortgage; these Defendants are dismissed at 2:14-15 of this Order.

1 the Clerk of the Court for this District at 501 I Street, Sacramento,
2 California, no later than 3:30 p.m. on April 27, 2009; the check shall
3 be made payable to the "United States Treasury."

4 Moreover, Johnston shall file proof of payment of this five
5 hundred dollar sanction on or before April 28, 2009.


6 Johnston shall also file a pretrial statement no later than
7 3:30 p.m. on April 27, 2009.

8 Further, Johnston is **WARNED** if he fails to comply with this
9 Order, this case could be dismissed before or at the final pretrial
10 conference rescheduled to commence at 1:30 p.m. on May 11, 2009 in
11 courtroom 10, located at 501 I Street, Sacramento, California.
12 Johnston and counsel for each party shall appear at the final pretrial
13 conference.

14 Lastly, Defendants G & R Mortgage and American Mortgage are
15 dismissed as defendants from this case since Johnston failed to file
16 proof of service to these Defendants as required by the Order filed on
17 September 28, 2007.

18 IT IS SO ORDERED.

19 Dated: April 15, 2009

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23 GARLAND E. BURRELL, JR.
24 United States District Judge
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