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

MOLLIE F. RYNESS,

Plaintiff,

No. CIV S-08-2323 WBS DAD

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

ORDER TO SHOW CAUSE

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Ian M. Sammis, plaintiff's attorney of record, has moved for leave to withdraw as counsel for plaintiff Mollie F. Ryness. The motion, however, did not set forth the hearing date and the court was unable to determine whether counsel has given plaintiff Ryness proper notice of the hearing. Accordingly on July 29, 2009, in the interest of resolving the motion expeditiously, the court issued an order notifying plaintiff Ryness that counsel's motion to withdraw would be heard on August 28, 2009, at 10:00 a.m. in Courtroom 27. The court also ordered attorney Sammis and plaintiff Ryness to appear at the hearing, either in person or by telephone, and advised both of the procedure to follow if they wished to appear telephonically.

Although she did not file opposition to the motion, plaintiff Ryness made the appropriate arrangements and appeared telephonically at the hearing on the motion to withdraw. Assistant United States Attorney Yoshinori Himel appeared on behalf of the Commissioner.

1 Although attorney Sammis had contacted the court in advance of the hearing for purposes of  
2 appearing telephonically, he did not appear at the hearing. In this regard, the contact information  
3 provided by attorney Sammis was not accurate, he was not present at the contact numbers he had  
4 provided to the court and, as a result, he failed to appear at the hearing thereby violating the  
5 court's specific order that he do so. In addition, following his failure to appear, attorney Sammis  
6 has made no effort to contact the court. Finally, at the hearing on counsel's motion to withdraw,  
7 plaintiff Ryness directly contradicted the factual basis set forth in counsel's motion to withdraw  
8 and claimed that she had not been served with the complete motion despite counsel's  
9 representations to the contrary.

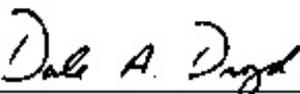
10 Accordingly, it is HEREBY ORDERED that

11 1. Counsel's motion to withdraw (Doc. No. 20) is denied without prejudice.

12 2. Counsel is ordered to show cause within fourteen days of the date of this order  
13 why sanctions should not be imposed due to his failure to appear at the August 28, 2009, hearing  
14 as ordered.

15 3. A show cause hearing will be held on October 2, 2009, at 10:00 a.m. in  
16 Courtroom No. 27. Attorney Sammis shall personally appear at that hearing. Plaintiff Ryness  
17 shall also appear at that hearing either in person or telephonically. If plaintiff wishes to appear  
18 telephonically she must make the appropriate arrangements in advance and ensure that she  
19 appears by land line telephone.

20 DATED: September 11, 2009.

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24 DALE A. DROZD  
25 UNITED STATES MAGISTRATE JUDGE  
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