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

KATHLYN A. RHODES,
Plaintiff,

2:09-cv-0489-MCE-KJN-PS

v.

PLACER COUNTY, et al.,
Defendants.

ORDER

This matter came on for a status (pretrial scheduling) conference on May 19, 2011. Plaintiff Kathlyn Rhodes (“plaintiff”) is a licensed attorney bringing this action on her own behalf.¹ Plaintiff attended the status conference, but did not participate in the creation of defendants’ status report and did not file a written status report until one day before the conference. Plaintiff had approximately five weeks’ notice of the status conference. (Dkt. No. 123 (Order entered April 5, 2011, setting matter for status conference on May 19, 2011).)

During the status conference, plaintiff informed the court that extenuating circumstances prevented her from participating in the creation of a joint status report and also

¹ This action proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1), and was reassigned by an order entered February 9, 2010. (Dkt. No. 36.)

1 prevented her from filing her individual status report prior to one day before the conference. The
2 undersigned ordered plaintiff to file a written statement under penalty of perjury detailing the
3 circumstances preventing her from filing a status report earlier than one day before the
4 conference, and showing cause why she should not be sanctioned. (Dkt. No. 134.) The
5 undersigned also ordered plaintiff to show cause why the court should accept her delayed status
6 report. (Id.)

7 On May 26, 2011, plaintiff timely filed a written statement in substantial
8 compliance with the court's order to show cause, which sufficiently described the events
9 contributing to her delayed filing: a medical emergency combined with plaintiff's decision to use
10 a shared post office box to receive her mail. (Dkt. No. 146.) While plaintiff's written statement
11 did not expressly include the words "under penalty of perjury" as the court had directed, the court
12 accepts plaintiff's representations as truthful and in accordance with plaintiff's ethical duties and
13 duty of candor as an attorney and officer of the court.


14 The undersigned also reminds plaintiff of her obligation to timely prosecute her
15 case. This may require plaintiff to increase the frequency of her visits to the post office box she
16 describes so as to timely receive notifications regarding this case, or perhaps to change her
17 address of record altogether.

18 Accordingly, it is hereby ORDERED that:

19 1. The Order to Show Cause (Dkt. No. 134) is discharged.

20 IT IS SO ORDERED.

21 DATED: June 1, 2011

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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