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

SCOTT N. JOHNSON,

Plaintiff,
vs.

Case No. Civ. 09-00834 LKK EFB PS

JITENDRA PATEL, Individually
and d/b/a AAA Residence Inn;
ASMITA PATEL, Individually
and d/b/a AAA Residence Inn,

ORDER AND
ORDER TO SHOW CAUSE

Defendants.
_____ /

This action was referred to the undersigned pursuant to E. D. Cal. L. R. (“Local Rule”) 72-302(c)(21), on June 10, 2009. Dckt. No. 9. On June 16, 2009, this court ordered the parties to file separate status reports no later than July 22, 2009, in anticipation of the August 5, 2009 scheduling conference. Dckt. No. 11. Plaintiff timely filed a status report but defendants, who filed an answer in this action,¹ have not yet done so.

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¹ Defendants’ answer states, with supporting documentation, that defendants were out of the country when plaintiff sent his initial notice of noncompliance with the Americans with Disabilities Act (“ADA”); that defendants were unaware that their property was not in compliance with the ADA; that they request an extension of time within which to bring their property into compliance, and seek plaintiff’s “assistance in obtaining the services of an expert disability access consultant.” Answer, at p. 2.

1 Defendants are informed that Local Rule 11-110 provides, "Failure of . . . a party to
2 comply with these Rules or with any order of the Court may be grounds for imposition by the
3 Court of any and all sanctions authorized by statute or Rule or within the inherent power of the
4 Court." Defendants' *pro se* status does not derogate this authority. Local Rule 83-183 provides
5 that "[a]ny individual representing himself or herself without an attorney is bound by the Federal
6 Rules of Civil or Criminal Procedure and by these Local Rules. All obligations placed on
7 'counsel' by these Local Rules apply to individuals appearing *in propria persona*. Failure to
8 comply therewith may be ground for dismissal, judgment by default, or any other sanction
9 appropriate under these Rules."

10 Pursuant to this authority, defendants will be ordered to show cause why sanctions should
11 not be imposed upon them for failure to file a status report in compliance with the court's order,
12 and they will also be directed to file a status report.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Defendants shall show cause, in writing, by August 19, 2009, why sanctions should
15 not be imposed for their failure to file a status report in compliance with the court's June 16,
16 2009 order;

17 2. Defendants shall also file, by August 19, 2009, their status report, setting forth the
18 matters referenced in the court's June 16, 2009 order;

19 3. The status conference currently scheduled for August 5, 2009, is vacated, and
20 rescheduled for Wednesday, September 2, 2009, at 10:00 a.m., in Courtroom No. 25;

21 4. The Clerk of Court is directed to send defendants a copy of this court's order filed
22 June 16, 2009, Dckt. No. 11; and

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1 5. Failure of defendants to comply with this order shall result in the imposition of
2 sanctions.

3 SO ORDERED.

4 DATED: July 27, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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