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

JOHN KENT,

Plaintiff,

No. 2:09-cv-02905 KJM KJN PS

v.

STUART RIND; RICK VILLUCCI;
DIANA ROACH; RICK LOPEZ;
STEPHEN TAKIMOTO; LESLIE
YOAKUM; CARL VEGA; SUE
STIREWALT; KEVIN KERR; JIM
KLEIMAN; THOMAS EBLING; SUE
PAYNE; ANDREA SOUZA; ANITA
SISNEROS; JACQUELYN MAES;
PATRICIA NELSON; and UNKNOWN
CSLB EMPLOYEES 1-15,

Defendants.

ORDER

On February 2, 2012, the undersigned conducted a status (pretrial scheduling) conference (“scheduling conference”) in this case, and a scheduling order will be separately issued.¹ This order concerns plaintiff’s ongoing failure to follow the court’s orders and Local Rules, and the resulting sanction.

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).

1 As discussed at the scheduling conference, plaintiff failed to file a status report by
2 January 19, 2012, as ordered by the court (see Order, Dec. 29, 2011, Dkt. No. 55), and materially
3 failed to communicate with defendants' counsel regarding the preparation of status reports in
4 advance of the scheduling conference. Instead, plaintiff filed a status report on January 30, 2012,
5 which addresses plaintiff's failure to follow the court's order by stating: "Plaintiff apologizes for
6 his tardy submission of this status report" (Dkt. No. 59). As noted by the undersigned, plaintiff
7 has repeatedly and consistently failed to follow the court's orders and procedural rules in this
8 case and another he filed in this court. (See Order, Nov. 16, 2011, at 4, Dkt. No. 52; Order &
9 Order To Show Cause, Oct. 21, 2011, Dkt. No. 50; Order, Sept. 29, 2011, Dkt. No. 48; Order To
10 Show Cause & Findings & Recommendations, June 28, 2011, Dkt. No. 42; Order, Jan. 4, 2011,
11 Dkt. No. 29; see also, e.g., Findings & Recommendations, Dec. 1, 2011, Dkt. No. 73, adopted by
12 Order, Jan. 9, 2012, Dkt. No. 74, filed in Kent v. City of Sacramento et al., 2:07-cv-02361 MCE
13 KJN PS (closed).)

14 Because of plaintiff's repeated failures to comply with the court's orders and
15 Local Rules, the undersigned was left with no choice but to either impose a monetary sanction on
16 plaintiff or recommend that his case be dismissed. See Local Rules 110 and 183(a). In view of
17 the policy in favor of resolving cases on the merits, the undersigned announced at the scheduling
18 conference an intention to impose a \$250 sanction on plaintiff, but allowed plaintiff to address
19 the possible sanction. After hearing from plaintiff, the undersigned reduced the sanction to \$100,
20 payable within 30 days. It appears that plaintiff paid the \$100 sanction on February 2, 2012,
21 shortly after the scheduling conference.

22 Based on the foregoing, IT IS HEREBY ORDERED that:

23 1. Plaintiff is sanctioned in amount of \$100, payable to the Clerk of Court.
24 However, the undersigned notes that it appears that plaintiff paid the sanction on February 2,
25 2012.

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