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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 DONNA L. PHILLIPS,

11 Plaintiff,

No. CIV. S- 09-3112 FCD EFB

12 v.

**ORDER IMPOSING SANCTIONS AND
DISMISSING CASE**

13 WELLS FARGO BANK, et. al.,

14 Defendants.
15 _____/

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17 On March 29, 2010, plaintiff's counsel, Stephen Collette, was ordered to show cause why
18 he should not be sanctioned in the amount of \$300.00 for his continual failure to file an
19 opposition or notice of non-opposition to defendant's motion to dismiss in compliance with Local
20 Rule 230(c). Counsel's response to the Order to Show Cause and pending motion was due on or
21 before May 7, 2010. Mr. Collette has failed to file any response. The court's March 29, 2010
22 Order also warned counsel and plaintiff that the case would be summarily dismissed if a response
23 was not timely received.

24 The court therefore makes the following orders:

- 25 1. Mr. Collette shall pay sanctions in the amount of **\$300.00**. Payment should be in
26 the form of a check made payable to the Clerk of the Court. The sum is to be paid
27 personally by plaintiff's counsel **not later than fourteen (14) days** from the filing
28 of this Order for Sanctions.

- 1 2. This sanction is personal to the attorney, is to be borne by him personally, and is
2 not to be transmitted to the client by way of a charge of attorney's fees and/or
3 costs.
- 4 3. Counsel is further reminded that payment of **\$150.00** is additionally due pursuant
5 to the court's March 29, 2010 Order. Said payment is now overdue. If counsel
6 does not pay said amount within **fourteen (14) days** of the date of this Order, the
7 court may impose further monetary sanctions by separate order.
- 8 4. **Not later than twenty-one (21) days from the filing of this Order, plaintiff's**
9 **counsel shall file a declaration attesting to his compliance with the terms of**
10 **this Order.**
- 11 5. Plaintiff's case is dismissed for failure to prosecute, Fed. R. Civ. P. 41(b), and for
12 repeated failures to respond to the court's orders, Ferdik v. Bonzelet, 963 F.2d
13 1258, 1260-61 (9th Cir. 1992). With respect to dismissal for failure to follow
14 court orders, the court has reviewed the five factors set forth in Ferdik and finds
15 that each warrants dismissal of plaintiff's case.
- 16 6. The hearing set for May 21, 2010 is VACATED.

17 IT IS SO ORDERED.

18 DATED: May 11, 2010



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE