

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

An Order issued April 8, 2010, which rescheduled the then pending status conference to July 26, 2010, and required Plaintiff to file a status report explaining only the status of his default motion no later than fourteen days prior to the status conference. Plaintiff failed to file a status report.

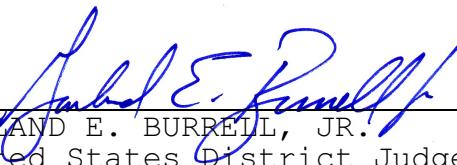
Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on August 9, 2010, why sanctions should not be imposed against him and/or his counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report. The written response shall also state whether Plaintiff or his counsel is at fault, and whether a hearing is requested on the OSC.¹ If

¹ "If the fault lies with the attorney, that is where the impact of sanction should be lodged. If the fault lies with the clients, that is where the impact of the sanction should be lodged." Matter of Sanction of Baker, 744 F.2d 1438, 1442 (10th Cir. 1984), cert. denied, 471 U.S. 1014 (1985). Sometimes the faults of attorneys, and their (continued...)

1 a hearing is requested, it will be held on August 23, 2010, at 9:00
2 a.m., just prior to the status conference, which is rescheduled to that
3 date and time. A status report shall be filed no later than fourteen
4 days prior to the status conference, or alternatively, Plaintiff shall
5 explain why this action should not be dismissed for failure of
6 prosecution. Plaintiff's failure to comply with this order could be
7 construed as Plaintiff's agreement that this action should be dismissed
8 with prejudice.

9 IT IS SO ORDERED.

10 Dated: July 16, 2010

11 
12 GARLAND E. BURRELL, JR.
13 United States District Judge

27 ¹(...continued)

28 consequences, are visited upon clients. In re Hill, 775 F.2d 1385, 1387
(9th Cir. 1985).