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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LORENZO DE VEGA, and
VIRGINIA S. DE VEGA,

Plaintiffs,

No. CIV. S-10-1507 FCD DAD

v.

**ORDER IMPOSING SANCTIONS AND
DISMISSING CASE**

SUNTRUST MORTGAGE, INC., et. al.,

Defendants.

On August 9, 2010, plaintiffs' counsel, Peter Cabbiness, was ordered to show cause why he should not be sanctioned in the amount of \$300.00 for his continual failure to file an opposition or notice of non-opposition to defendants' motion to dismiss in compliance with Local Rule 230(c). Counsel's response to the Order to Show Cause and pending motion was due on or before September 10, 2010. Mr. Cabbiness has failed to file any response. The court's August 9, 2010 Order also warned counsel and plaintiffs that the case would be summarily dismissed if a response was not timely received.

The court therefore makes the following orders:

1. Mr. Cabbiness shall pay sanctions in the amount of **\$300.00**. Payment should be in the form of a check made payable to the Clerk of the Court. The sum is to be paid personally by plaintiffs' counsel **not later than fourteen (14) days** from the filing 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 July 26, 2010 Order. Said payment is now overdue. If counsel does
6 not pay said amount within **fourteen (14) days** of the date of this Order, the court
7 may impose further monetary sanctions by separate order.

8 4. **Not later than twenty-one (21) days from the filing of this Order, plaintiffs'**
9 **counsel shall file a declaration attesting to his compliance with the terms of**
10 **this Order.**

11 5. Plaintiffs' 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 plaintiffs' case.

16 6. The hearing set for September 24, 2010 is VACATED.

17 IT IS SO ORDERED.

18 DATED: September 13, 2010

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FRANK C. DAMRELL, JR.
22 UNITED STATES DISTRICT JUDGE
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