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

QUICKFRAME SYSTEMS, INC.,
a Nevada Corporation

Plaintiff,

No. 2:10-cv-02599 JAM KJN PS

v.

ANTHONY J. GODINA; and
DOES 1-10, inclusive,

Defendants.

ORDER

On April 28, 2011, the parties came before the undersigned for a status (pretrial scheduling) conference. Attorney Stephen Hamilton appeared on behalf of plaintiff Quickframe Systems, Inc. (the “plaintiff”).¹ Defendant Anthony J. Godina (the “defendant”) appeared without counsel (or “pro se”) on his own behalf.

During the status conference on April 28, 2011, the parties verbally agreed to participate in an early settlement conference before the undersigned on June 28, 2011, at 9:00 a.m. Both parties also verbally consented to having the undersigned serve as the settlement

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), and was referred to the undersigned by an order entered October 8, 2010. (Dkt. No. 8.)

1 judge.

2 Following the status conference, the undersigned issued an order requiring both
3 parties to file written statements confirming their consent and waiving any claim of
4 disqualification, pursuant to Local Rule 270(b). (Order, Dkt. No. 15.) That order also required
5 both parties to file “Consent to / Decline of Jurisdiction of US Magistrate Judge” forms. The
6 order required the parties to file their written statements and consent/non-consent forms by May
7 12, 2011. (Id.)

8 When defendant failed to timely file a written statement waiving disqualification
9 and confirming his consent to the undersigned serving as the settlement judge, and also failed to
10 timely file his “Consent to / Decline of Jurisdiction of US Magistrate Judge” form, the court
11 issued an Order to Show Cause (“OSC”). (OSC, Dkt. No. 18.) The OSC required defendant to
12 file a writing explaining his failure to timely comply with the court’s order dated April 28, 2011,
13 and showing cause why he should not be sanctioned. The OSC also ordered defendant to file the
14 documents that would bring him into compliance with the court’s order dated April 28, 2011.
15 The OSC also notified defendant that his failure to do comply might result in sanctions and might
16 result in the settlement conference being taken off-calendar.

17 While defendant is a non-attorney who is representing himself in this case, and
18 while the undersigned appreciates the difficulties pro se parties often face, defendant was
19 informed both verbally and in writing of his obligation to file the above-described documents.
20 The OSC (Dkt. No. 18) explained as much. The OSC also explained that Eastern District Local
21 Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any
22 order of the Court may be grounds for imposition by the Court of any and all sanctions
23 authorized by statute or Rule or within the inherent power of the Court.” Moreover, Eastern
24 District Local Rule 183(a) provides, in part:

25 Any individual representing himself or herself without an
26 attorney is bound by the Federal Rules of Civil or Criminal
Procedure, these Rules, and all other applicable law. All

1 obligations placed on "counsel" by these Rules apply to
2 individuals appearing in propria persona. Failure to
3 comply therewith may be ground for dismissal . . . or any
4 other sanction appropriate under these Rules.


5 See also King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) ("Pro se litigants must follow the
6 same rules of procedure that govern other litigants.").

7 The undersigned will give defendant one final chance to bring himself into
8 compliance with these court orders without the imposition of monetary sanctions. Accordingly,
9 by June 21, 2011, defendant is ordered to file a writing explaining his failure to timely comply
10 with the court's order dated April 28, 2011, and showing cause why he should not be sanctioned
11 for violating court orders. Also by June 21, 2011, defendant is again ordered to file a written
12 statement confirming his consent to the undersigned serving as the settlement judge and waiving
13 disqualification in accordance with Local Rule 270(b).²

14 Defendant's failure to comply with this order by June 21, 2011, may result in
15 defendant's being sanctioned and may cause the settlement conference set for June 28, 2011, to
16 be vacated.

17 IT IS SO ORDERED.

18 DATED: June 6, 2011

19 
20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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25 ² As the court's previous order stated, defendant's failure to file a "Consent to / Decline of
26 Jurisdiction of U.S. Magistrate Judge" form by the court's ordered deadline has been construed as
a decline of jurisdiction, and a Pretrial Scheduling Order setting the matter for trial before the district
judge will be forthcoming.