

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNL Y R. BECKER, THE  
BECKER TRUST DATED  
MARCH 25, 1991,

NO. CIV. S-10-2799 LKK/KJN

Plaintiffs,

v.

O R D E R

WELLS FARGO BANK, N.A.,  
WACHOVIA MORTGAGE  
CORPORATION; DOES 1-20,

Defendants.

\_\_\_\_\_ /

Plaintiff, proceeding pro se, brings numerous claims arising out of several mortgages on various residential real estate properties. On December 14, 2010, this court issued a preliminary injunction enjoining defendants from foreclosing upon three properties owned by plaintiff. On January 3, 2011, plaintiff filed an ex parte motion for "(1) [an] order to show cause why defendants should not be held in contempt and sanctioned, (2) [an] order for rescission of [the notice of trustee sale on the Third Street property], (3) order for written instructions stopping foreclosure,

1 and (4) court approval of lis pendens." Plaintiff seeks relief in  
2 light of Cal-Western Reconveyance Corporation's recording of a  
3 notice of trustee sale for one of the enjoined properties on  
4 December 27, 2010. The sale is scheduled for January 19, 2011.  
5 Cal-Western is not a party to the instant action.

6 Also, on December 14, 2010, the court ordered counsel for  
7 defendant to show cause in writing why sanctions should not issue  
8 for his failure to timely file an opposition to plaintiff's motion  
9 for a preliminary injunction within fourteen days of the issuance  
10 of the order. Counsel for defendant has not responded to the order  
11 to show cause.

12 For the foregoing reasons, the court orders defendants to file  
13 a response to plaintiffs' motion, ECF No. 24, by January 14, 2011.  
14 The court further orders plaintiff to serve a copy of the court's  
15 order granting a preliminary injunction, ECF No. 21, and this order  
16 upon Cal-Western Reconveyance Corporation.

17 Furthermore, the court orders as follows:

18 (1) Counsel for defendants is SANCTIONED in the amount of  
19 one hundred and fifty (\$150.00) dollars. This sum shall  
20 be paid to the Clerk of the Court no later than thirty  
21 (30) days from the date of this order. Counsel shall  
22 file an affidavit accompanying the payment of this  
23 sanction which states that it is paid personally by  
24 counsel, out of personal funds, and is not and will not  
25 be billed, directly or indirectly, to the client or in  
26 any way made the responsibility of the client as


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

attorneys' fees or costs.

(2) Counsel for defendants is hereby ORDERED TO SHOW CAUSE in writing why sanctions for failure to respond to the December 15, 2010 order to show cause and to timely file an opposition or statement of non-opposition to the motion for a preliminary injunction in the form of a fine of \$1,000 and/or an order of judgment for plaintiff should not issue in accordance with Local Rule 110. Counsel shall file a response to this order to show cause no later than January 14, 2011.

IT IS SO ORDERED.

DATED: January 10, 2011.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT