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

ARIEL BALTHROPE,

Plaintiff,

No. 2:10-cv-3003-KJM-JFM (PS)

vs.

SACRAMENTO COUNTY OF
HEALTH AND HUMAN SERVICES,
et al.,

Defendants.

ORDER

_____/

On December 6, 2011, plaintiff filed a motion for sanctions against defendants Sacramento Child Advocates, Robert Wilson, Lisa Presley and Rebekah Sass (collectively, “the SCA defendants”), and Peter Helfer. Plaintiff asserts sanctions are warranted because the SCA defendants filed their status report only two days before the December 1, 2011 scheduling conference, as opposed to seven days as ordered by the May 26, 2011 order setting a scheduling conference. Plaintiff argues this delay was prejudicial because it prevented her from objecting to the scheduling dates proposed by the SCA defendants. Plaintiff also argues that sanctions are warranted against Peter Helfer who failed to submit a status report at all.

Upon review, the undersigned does not find that sanctions are warranted. While it is true that the SCA defendants did not file their status report seven days prior to the scheduling conference, plaintiff herself was tardy in filing in her status report. Indeed, both

1 status reports were filed on the same day, November 28, 2011. Moreover, although the May 26,
2 2011 order setting the scheduling conference directed the parties to address the scheduling of any
3 anticipated motions and discovery, plaintiff failed to suggest any dates at all. Finally, in light of
4 this court's December 8, 2011 findings and recommendations recommending that Peter Helfer's
5 July 14, 2011 motion to dismiss be granted with prejudice, the court will deny plaintiff's request
6 as to this defendant.

7 Based on the foregoing, IT IS HEREBY ORDERED that plaintiff's December 6,
8 2011 motion to sanction is denied.

9 DATED: January 18, 2012.

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12 UNITED STATES MAGISTRATE JUDGE

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