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

JOHN P. FLAHERTY,	)	
	)	2:11-cv-00160-GEB-DAD
Plaintiff,	)	
	)	
v.	)	<u>ORDER TO SHOW CAUSE AND</u>
	)	<u>CONTINUING STATUS (PRETRIAL</u>
LINCOLN CITY POLICE DEPARTMENT,	)	<u>SCHEDULING) ORDER; FED. R.</u>
OFFICER D. KRAUSE #12, PAUL	)	<u>CIV. P. 4 (M) NOTICE</u>
TYLER, SUTTER ROSEVILLE	)	
HOSPITAL, HERITAGE OAKS	)	
HOSPITAL, DR. LESLIE HIRSCHAUT,	)	
DR. SURENDAR CHIMA, CA DEPT OF	)	
JUSTICE DIVISION OF LAW	)	
ENFORCEMENT BUREAU, STEVE	)	
BUFORD, Does 1-25,	)	
	)	
Defendants.	)	
_____	)	

The January 19, 2011, Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case on May 23, 2011, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. The January 19, 2011 Order further required that a status report be filed regardless of whether a joint report could be procured. No status report was filed as ordered.

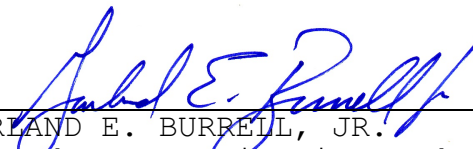
Therefore, Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on May 27, 2011, why sanctions should not be imposed against him and/or his counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file

1 a timely status report. The written response shall also state whether  
2 Plaintiff or his counsel is at fault, and whether a hearing is requested  
3 on the OSC.<sup>1</sup> If a hearing is requested, it will be held on August 15,  
4 2011, at 9:00 a.m., just prior to the status conference, which is  
5 rescheduled to that date and time. A status report shall be filed no  
6 later than fourteen (14) days prior to the status conference.

7 Further, Plaintiff is notified under Rule 4(m) of the Federal  
8 Rules of Civil Procedure that any defendant not served with process  
9 within the 120 day period prescribed in that Rule may be dismissed as a  
10 defendant in this action unless Plaintiff provides proof of service  
11 and/or "shows good cause for the failure" to serve within this  
12 prescribed period in a filing due no later than 4:00 p.m. on May 27,  
13 2011.

14 IT IS SO ORDERED.

15 Dated: May 18, 2011

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GARLAND E. BURRELL, JR.  
United States District Judge

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26 <sup>1</sup> "If the fault lies with the attorney, that is where the impact  
27 of sanction should be lodged. If the fault lies with the clients, that  
28 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  
consequences, are visited upon clients. In re Hill, 775 F.2d 1385, 1387  
(9th Cir. 1985).