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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCIES WEBB,

Plaintiff,

v.

WACHOVIA MORTGAGE, a  
division of WELLS FARGO  
BANK, N.A., et al.,

Defendants.

NO. CIV. S-11-0516 LKK/GGH

O R D E R

\_\_\_\_\_ /  
A hearing on defendant Wachovia's motion to dismiss (ECF No. 6), and motion to strike (ECF No. 7) is currently set for April 25, 2011. The court does not find oral argument on these motions to be necessary. Additionally, on April 1, 2011 the court ordered plaintiff's counsel to show cause by April 11, 2011 why sanctions of \$150 should not issue for failure to file an opposition or statement of non-opposition to defendant's motion to dissmss. Plaintiff's counsel filed an opposition on April 12, 2011 but did not respond to the court's order to show cause.

Accordingly, the court orders as follows:


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[1] The hearing currently set for April 25, 2011 is VACATED.  
[2] The court ORDERS that counsel for plaintiff is SANCTIONED in the amount of one hundred and fifty (\$150.00) dollars. This sum shall be paid to the Clerk of the Court no later than thirty (30) days from the date of this order. Counsel shall file an affidavit accompanying the payment of this sanction which states that it is paid personally by counsel, out of personal funds, and is not and will not be billed, directly or indirectly, to the client or in any way made the responsibility of the client as attorneys' fees or costs.

[3] Counsel for plaintiff is FURTHER ORDERED TO SHOW CAUSE in writing why this case should not be dismissed as a sanction, in accordance with Local Rule 110, for plaintiffs' failure to respond to the April 1, 2011 order to show cause. See also Fed. R. Civ. P. 41(b), Link v. Wabash R.R., 370 U.S. 626, 633 (1962). Counsel shall file a response to this order to show cause no later than May 3, 2011. Failure to timely file a response to the order to show cause may result in dismissal of this action with prejudice.

IT IS SO ORDERED.

DATED: April 20, 2011.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT