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

CD ALSTON

Plaintiff,

No. 2:11-cv-0678 KJM CKD PS

vs.

CITY OF ELK GROVE et al.

Defendants.

ORDER TO SHOW CAUSE

\_\_\_\_\_ /  
This proceeding was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff is proceeding in this action pro se and in forma pauperis.

On December 12, 2011, the court issued an order setting status conference, which scheduled a status (pretrial scheduling) conference in this matter for May 9, 2012 at 10:00 a.m. in courtroom no. 26 before the undersigned. (Dkt. No. 29 at 2.) That same order directed the parties to file status reports no later than 14 days prior to the status conference. (Id.) Although plaintiff filed a status report on April 23, 2012 specifically referencing the May 9, 2012 conference (dkt. no. 38), plaintiff failed to appear at the conference.

Consequently, the court issued an order on May 9, 2012 requiring plaintiff to show cause within 14 days why monetary sanctions (in particular, defendants' counsel's fees and

1 costs for appearing at the status conference for which plaintiff failed to appear) should not be  
2 imposed. Plaintiff was further cautioned that failure to respond to the order to show cause may  
3 result in the imposition of further and increasingly severe sanctions, including dismissal of the  
4 case. In turn, defendants' counsel was ordered to submit a declaration outlining all fees and costs  
5 reasonably incurred with respect to her appearance at the May 9, 2012 status conference. (Dkt.  
6 No. 42.) On May 15, 2012, defendants' counsel submitted a declaration indicating that she billed  
7 \$160.00 to her client for the one hour spent in traveling to and from, and attending, the status  
8 conference. (Dkt. No. 46.)

9           Although the time for plaintiff to respond has now expired, plaintiff has failed to  
10 file any response to the court's order to show cause. Therefore, within fourteen (14) days of this  
11 order, plaintiff will be required to pay defendants' counsel sanctions in the amount of \$160.00,  
12 defendants' counsel's fees associated with appearing at the May 9, 2012 status conference, which  
13 the court finds reasonable.

14           Moreover, given plaintiff's failure to appear at the status conference and her  
15 failure to comply with and respond to the court's orders, it appears that plaintiff has abandoned  
16 prosecution of this case. As such, plaintiff will also be required to show cause within fourteen  
17 (14) days of this order why this case should not be dismissed with prejudice pursuant to Fed. R.  
18 Civ. P. 41(b) for plaintiff's failure to prosecute the case and comply with court orders.

19           Accordingly, IT IS HEREBY ORDERED that:

20           1. Within fourteen (14) days of this order, plaintiff shall pay defendants' counsel  
21 \$160.00 in sanctions for plaintiff's failure to appear at the May 9, 2012 status conference.

22           2. Within fourteen (14) days of this order, plaintiff shall file a declaration  
23 showing cause why this case should not be dismissed with prejudice pursuant to Fed. R. Civ. P.  
24 41(b) for plaintiff's failure to prosecute the case and comply with court orders. Failure to  
25 respond to this order will result in a recommendation that the case be dismissed with prejudice  
26 pursuant to Fed. R. Civ. P. 41(b).

1                    3. The Clerk of Court shall serve a copy of this order on plaintiff via e-mail and  
2 U.S. mail.

3                    Dated: May 24, 2012

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5                    \_\_\_\_\_  
6                    CAROLYN K. DELANEY  
7                    UNITED STATES MAGISTRATE JUDGE

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10                  CKD/5  
11                  alston.678.osc2.wpd