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

DEAN A. DOGLIETTO,

Plaintiff,

No. CIV 2:11-cv-1501-MCE-JFM

vs.

TRINITY PROT. SERV., INC.

Defendant.

ORDER

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Pending before the court is defendant’s June 12, 2012 motion for terminating sanctions or, alternatively, evidentiary and monetary sanctions pursuant to Federal Rule of Civil Procedure 37. In its motion, defendant argues sanctions are warranted here due to plaintiff’s failure to participate in discovery and failure to prosecute this action. Specifically, defendant avers that plaintiff failed to participate in discovery through his failure to serve initial disclosures, to respond to defendant’s discovery requests, to timely appear at a scheduled deposition, and to appear at all at the June 28, 2012 hearing on plaintiff’s motion to quash and defendant’s motion to compel. Defendant also seeks dismissal for plaintiff’s failure to prosecute this action, as evidenced by plaintiff’s failure to serve any discovery at all, to file oppositions to defendant’s discovery motions, and to respond to any of defendant’s attempts at communication since May 9, 2012. Plaintiff has not filed an opposition.

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Based on the foregoing, IT IS HEREBY ORDERED that:

1. Plaintiff shall file a written opposition to defendant's June 12, 2012 motion within fourteen (14) days of the date of this order;

2. The July 5, 2012 hearing on defendant's motion is continued to July 26, 2012 at 11:00 a.m. in courtroom #26; and

3. The Clerk of the Court is directed to serve a copy of this order on plaintiff at his home address of 8341 Holly Drive, Citrus Heights, California 95610.

DATED: July 2, 2012.

  
UNITED STATES MAGISTRATE JUDGE

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