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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Avazian, Gevorg
A070917333,

Plaintiff,

v.

Rand BEERS, Acting Secretary
of Department of Homeland
Security; Alejandro MAYORKAS,
Director, U.S. Citizenship
and Immigration Services;
Mari-Carmen JORDAN, Director,
U.S. Citizenship and
Immigration Services
Sacramento Office; and
Michael C. BIGGS, Field
Officer Director, USCIS,
Sacramento Office,

Defendants.

No. 2:13-cv-02589-GEB-AC

**ORDER TO SHOW CAUSE AND
CONTINUING STATUS (PRETRIAL
SCHEDULING) CONFERENCE; FED. R.
CIV. P. 4(M) NOTICE**

The December 13, 2013, Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case on March 3, 2013, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. The March 3, 2013 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.

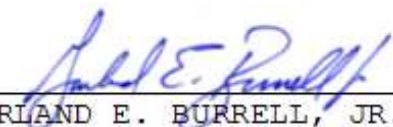
Therefore, Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than March 7, 2014, why

1 sanctions should not be imposed against him and/or his counsel
2 under Rule 16(f) of the Federal Rules of Civil Procedure for
3 failure to file a timely status report. The written response
4 shall also state whether Plaintiff or his counsel is at fault,
5 and whether a hearing is requested on the OSC.¹ If a hearing is
6 requested, it will be held on June 9, 2014, at 9:00 a.m., just
7 prior to the status conference, which is rescheduled to that date
8 and time. A joint status report shall be filed no later than
9 fourteen (14) days prior to the status conference.²

10 Further, Plaintiff is notified under Rule 4(m) of the
11 Federal Rules of Civil Procedure that failure to serve Defendants
12 with process within the 120 day period prescribed in that Rule
13 may result in any unserved defendant(s) or this action being
14 dismissed. To avoid dismissal, on or before April 14, 2014,
15 Plaintiff shall file proof of service for each defendant or a
16 sufficient explanation why service was not completed within Rule
17 4(m)'s prescribed service period.

18 IT IS SO ORDERED.

19 Dated: February 26, 2014

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GARIAND E. BURRELL, JR.

Senior United States District Judge

23 ¹ "If the fault lies with the attorney, that is where the impact of
24 sanction should be lodged. If the fault lies with the clients, that is where
25 the impact of the sanction should be lodged." In re Sanction of Baker, 744
26 F.2d 1438, 1442 (10th Cir. 1984), cert. denied, 471 U.S. 1014 (1985).
27 Sometimes the faults of attorneys, and their consequences, are visited upon
28 clients. Myers v. Shekter (In re Hill), 775 F.2d 1385, 1387 (9th Cir. 1985).

² The failure of one or more of the parties to participate in the
preparation of the Joint Status Report does not excuse the other parties from
their obligation to timely file a status report in accordance with this Order.
In the event a party fails to participate as ordered, the party timely
submitting the status report shall include a declaration explaining why it was
unable to obtain the cooperation of the other party or parties.