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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MALACHI ANTHONY RILEY,
Plaintiff,
v.
COUNTY OF SACRAMENTO, et al.,
Defendants.

No. 2:14-cv-00462-KJM-AC

ORDER

This case is before the undersigned pursuant to Local Rule 302(c)(21). Defendants removed this matter from Sacramento Superior Court on February 12, 2014. ECF No. 1. On August 11, 2014, defendants filed a notice of settlement that stated dispositional documents would be filed within forty-five (45) days. ECF No. 20. However, on September 26, 2014, plaintiff’s attorney filed a motion to withdraw. ECF No. 23. The court granted that motion on January 6, 2015. ECF No. 37. On January 30, 2015, plaintiff (now proceeding in pro per) filed a letter claiming that his former attorney had entered into the foregoing settlement agreement without plaintiff’s consent. ECF No. 38. Although plaintiff states that he has no objections to his former attorney’s withdrawal, he denies that he has ever released defendants from liability for his claims. Id.

On February 5, 2015, the undersigned set an initial scheduling conference for March 11, 2015. ECF No. 39. On March 3, 2015, defendants filed a status report claiming that they mailed

1 a copy to plaintiff requesting that he either (1) sign and return the report if he approved of it; or
2 (2) contact counsel's office if he had questions or wanted to make changes. ECF No. 40 at 2.
3 Plaintiff never responded to defendants' letter, despite being informed of the filing deadline for
4 status reports. Id. In addition, plaintiff failed to appear at the court's hearing on March 11, 2015.
5 On March 12, 2015, the court ordered plaintiff to show cause within 14 days why his action
6 should not be dismissed for failure to prosecute. ECF No. 42.

7 On April 6, 2015, plaintiff filed a response claiming that he did not receive the court's
8 order setting the March 11, 2015, scheduling conference, and had only recently received its order
9 to show cause. ECF No. 43. According to plaintiff, he did not receive the court's orders because
10 he was out of town due to a family emergency. Id. In addition, plaintiff asks to be excused from
11 future court appearances as he is unemployed and does not have the funds to travel to
12 Sacramento. Id.

13 The court finds that plaintiff has established good cause and accordingly will discharge its
14 order to show cause and set a new scheduling conference. This matter will be set for an initial
15 scheduling conference on May 6, 2015, at 10:00 a.m. in Courtroom 26 before the undersigned.
16 Plaintiff must appear, but may do so telephonically. Plaintiff is instructed to contact the
17 courtroom deputy, Valerie Callen, (916) 930-4199 no later than 48 hours prior to the hearing and
18 advise the court of the telephone number at which he can be reached for the scheduling
19 conference. Defendants need not file a scheduling report, as they have already done so.
20 However, if plaintiff would like to add his own explanation of his position in this matter or
21 suggest dates for the court's scheduling order he may file his own scheduling report no later than
22 April 22, 2015.

23 In accordance with the foregoing, IT IS HEREBY ORDERED that:

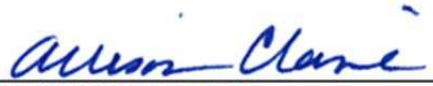
- 24 1. The court's March 12, 2015, order to show cause, ECF No. 42, is discharged; and
- 25 2. This matter is set for an initial scheduling conference on May 6, 2015, at 10:00
26 a.m. in Courtroom 26 before Magistrate Judge Allison Claire. Plaintiff may appear

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1 telephonically. Plaintiff must file his scheduling report, if any, on or before April 22, 2015.

2 DATED: April 8, 2015

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4 ALLISON CLAIRE
5 UNITED STATES MAGISTRATE JUDGE

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