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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COREY WILLYARD,
Plaintiff,
v.
MCDANIELS et al.,
Defendants.

No. 2:14-cv-780-EFB
ORDER AND
ORDER TO SHOW CAUSE

In a December 7, 2015 order, the court scheduled a settlement conference in this case for February 23, 2016, at 9:00 a.m., in Courtroom No. 25 before the undersigned. (ECF No. 18.) The order specifically cautioned that the “failure of any counsel, party or authorized person subject to this order to appear in person may result in the imposition of sanctions.” (Id.)

At the February 23, 2016 settlement conference, attorney Gary Brickwood appeared on behalf of defendants, along with assistant county counsel Jim Ross. Both of defendants’ representatives traveled over 150 miles from Redding to Sacramento for the settlement conference. However, even though the court trailed the start of the settlement conference by 30 minutes, plaintiff entirely failed to appear.

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1 The court notes that the December 7, 2015 order scheduling the settlement conference was
2 returned to the court as undeliverable. Nevertheless, the court was also informed that one of the
3 court's administrators obtained plaintiff's new contact information through plaintiff's probation
4 officer, and was ultimately able to speak to plaintiff and notify him regarding the date and time of
5 the settlement conference. Indeed, that communication apparently prompted plaintiff to file a
6 notice of change of address on February 10, 2016. (ECF No. 19.) At the settlement conference,
7 defendants' counsel also informed the court that he sent an additional notice of the settlement
8 conference to plaintiff's new address, once the notice of change of address was filed. As such, it
9 appears that plaintiff was well aware of the settlement conference, but nonetheless failed to
10 appear without providing any notice to defendants' counsel or the court.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Within seven (7) days of this order, plaintiff shall show cause in writing why he
13 should not be required to pay \$250.00 in sanctions based on his failure to appear at the
14 court-ordered settlement conference.
- 15 2. Failure to respond to this order by the required deadline may result in dismissal of the
16 action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

17 IT IS SO ORDERED.

18 Dated: February 24, 2016

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21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE
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