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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

MIKE PATEL,

Defendant.

No. 2:14-cv-2052-KJM DB

ORDER

On August 13, 2018, the court ordered defense counsel Michael D. Welch to show cause within seven (7) days why his privilege to practice in the Eastern District of California should not be suspended until he pays the \$250 in monetary sanctions he was ordered to pay on April 4, 2018. ECF No. 55. The court issued the April 4, 2018 sanctions in response to Welch's failure to respond to the court's prior order to show cause, also issued for Welch's failure to comply with the court's order. ECF Nos. 54, 52. On August 21, 2018, one day after the court's prescribed deadline, Welch paid the \$250 but provided no substantive response to the court's order to show cause and did not otherwise attempt to explain his repeated noncompliance with court orders.

This marks the second time in this action that Welch has refused to respond to an order to show cause, then declined to pay sanctions on the schedule ordered, then provided no substantive response to an order to show cause why his privilege to practice in this court should not be suspended, but instead simply and belatedly paid the monetary sanction. *See* ECF No. 44

1 (Sept. 19, 2017 order to show cause for Welch's non-response to court order); ECF No. 45 (Oct.
2 3, 2017 order sanctioning Welch \$250 for failing to respond to order to show cause); ECF No. 47
3 (Nov. 21, 2017 order to show cause why Welch should not be suspended from practicing in the
4 Eastern District until the \$250 sanction is paid); ECF No. 48 (Dec. 8, 2017 order discharging
5 order to show cause after Welch paid the \$250 sanction but provided no explanation for his
6 behavior).

7 Because the court ordered Welch to show cause why his privileges should not be
8 suspended until he paid the ordered sanction and he has now paid that sanction, the order to show
9 cause is DISCHARGED. The court now provides Welch with notice, however, that each time
10 this court issues an order to show cause why it should not sanction him for noncompliance with
11 court orders, the monetary sanctions will increase by \$250. In other words, the court's next order
12 for monetary sanctions against Welch, if any, will be \$500.

13 In addition, this court has notified Welch on numerous occasions that it will
14 consider a proper motion to withdraw as counsel. *See* ECF No. 43 (identifying deficiencies in
15 Welch's motion to withdraw and ordering him to file a supplemental brief that complies with this
16 court's Local Rules within seven days); ECF No. 46 (noting Welch had not corrected the
17 deficiency identified, despite having three months to do so, and denying the motion to withdraw
18 as insufficiently supported); ECF No. 48 (reminding Welch to comply with Local Rules in filing
19 any future motion to withdraw). The court again reminds Welch it will entertain a properly
20 supported motion to withdraw. Unless and until Welch withdraws, however, he is required to
21 comply with this court's orders.

22 Additionally, the court SETS a December 13, 2018 status conference at 2:30 p.m.
23 in Courtroom 3 to ensure the litigation in this matter is proceeding. The parties are ORDERED to
24 file a joint status report seven days prior to the status conference.

25 IT IS SO ORDERED.

26 Dated: October 9, 2018.

27 
28 UNITED STATES DISTRICT JUDGE