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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR GLENN JONES, SR.,
Plaintiff,
v.
SAM WONG, et al.,
Defendants.

No. 2:15-cv-0734 GEB AC P

ORDER

On August 24, 2017, counsel for defendant Cuppy (Mr. Thomas A. Cregger) signed and mailed a “Waiver of Service of Summons,” which stated “I understand that a judgment any be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not filed within the U.S. District Court and served upon plaintiff within 60 days after 5/8/17.” ECF No. 38 at 1. That deadline had already long since passed by the time counsel signed and returned the waiver, yet counsel has not filed a responsive pleading on behalf of defendant Cuppy or otherwise communicated with the court and has instead allowed another two weeks to pass since signing the waiver. Failure to timely file a pleading responsive to plaintiff’s complaint renders defendant Cuppy vulnerable to default in this action. Fed. R. Civ. P. 55.

Accordingly, IT IS HEREBY ORDERED that:

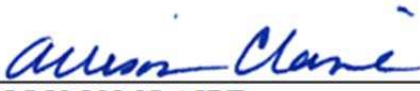
- 1. Within fourteen days after the filing date of this order, Mr. Cregger shall file and serve the following: (1) a responsive pleading on behalf of defendant Cuppy and (2) a verified

1 statement showing cause for counsel's delay and demonstrating why sanctions should not be
2 imposed under Federal Rule of Civil Procedure 11(b) and Local Rule 110 for delaying the
3 proceedings in this action. See Fed. R. Civ. P. 11(c)(3). Failure of counsel to timely comply with
4 this order shall result in the imposition of appropriate sanctions. See L.R. 110; Fed. R. Civ. P.
5 11(c)(4).

6 2. The Clerk of the Court is directed to serve a copy of this order on Thomas A. Cregger
7 at Cregger & Chalfant LLP, 701 University Avenue, Suite 110, Sacramento, CA 95825, and at
8 tac@creggerlaw.com.

9 IT IS SO ORDERED.

10 DATED: September 6, 2017

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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