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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTIAN J. FRAZIER, et al.,

Plaintiffs,

v.

CITY OF RANCHO CORDOVA, et al.,

Defendants.

No. 2:15-cv-0872-TLN-KJN PS

ORDER AND
ORDER TO SHOW CAUSE

On March 7, 2016, the assigned district judge referred this action to the undersigned for all purposes exclusive of the pretrial conference and trial pursuant to Local Rule 302(c)(21) in light of plaintiffs’ counsel’s withdrawal of representation, leaving all plaintiffs proceeding in this action *in propria persona*. (ECF No. 17.) On April 1, 2016, in light of the district judge’s referral and the procedural posture of this action, the undersigned issued an order setting a status (pre-trial scheduling) conference in this matter for May 12, 2016, at 10:00 a.m. (ECF No. 18.)

That order directed the parties to file a status report addressing specific topics no later than fourteen (14) days prior to the status conference. (*Id.* at 1-2.) The order also specifically cautioned that “[f]ailure to obey the Federal Rules of Civil Procedure, this court’s Local Rules, or an order of this court, may result in dismissal of the action or a judgment of default, monetary sanctions, and/or any other appropriate sanctions. Although the court liberally construes the

1 pleadings and filings of *pro se* litigants, they are required to abide by all deadlines and procedural
2 requirements.” (*Id.* at 2-3.) No status report was filed by any party by the filing deadline set by
3 the April 1, 2016 order.

4 The undersigned acknowledges that plaintiffs’ counsel recently withdrew, leaving both
5 plaintiffs to proceed *pro se* in this matter, and that plaintiffs did not receive copies of the court’s
6 April 1, 2016 order that were served on them by mail as those copies were returned to the court as
7 undeliverable. However, it is plaintiffs’ duty, even as *pro se* litigants, to keep the court informed
8 of their current address(es), and service of the court’s orders at the address on record for both
9 plaintiffs was effective absent the filing of a notice of change of address. In relevant part, Local
10 Rule 182(f) provides: “Each appearing attorney and *pro se* party is under a continuing duty to
11 notify the Clerk and all other parties of any change of address or telephone number of the attorney
12 or the *pro se* party. Absent such notice, service of documents at the prior address of the attorney
13 or *pro se* party shall be fully effective.” Accordingly, plaintiffs shall show cause in writing why
14 they should not be sanctioned for their failures to file a status report in compliance with the
15 court’s April 1, 2016 order and provide timely notification of their current address(es) in
16 compliance with Local Rule 182(f).

17 Notwithstanding plaintiffs’ failures, defendant City of Rancho Cordova has also failed to
18 file a status report in compliance with the April 1, 2016 order.¹ While the April 1, 2016 order
19 directed the parties to file a joint status report and the court is cognizant that defendant may have
20 encountered some difficulties in communicating with plaintiffs in light of the withdrawal of
21 plaintiffs’ counsel, defendant was still required to file a status report. If defendant was unable to
22 confer with plaintiffs prior to the filing deadline despite making good faith efforts to do so, it
23 should have filed a status report detailing those efforts in addition to addressing the topics set
24 forth in the April 1, 2016 order. However, to date, defendant has not filed anything in response to

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26 ¹ As stated in the prior order, the undersigned is aware that the parties previously filed a joint
27 status report in this action on June 19, 2015, that addressed many of the same topics outlined in
28 the April 1, 2016 order. However, in light of the fact that many of the representations in that
prior joint statement are now likely outdated, the undersigned finds an updated filing to be
necessary.

1 that order. Accordingly, defendant shall show cause in writing why it should not be sanctioned
2 for its failure to file a status report in compliance with the court's April 1, 2016 order. In
3 addition, defendant shall inform the court whether it's counsel has been in contact with plaintiffs
4 in the time since plaintiffs' counsel withdrew from representation. Furthermore, defendant shall
5 inform the court whether it has updated contact information for plaintiffs, including plaintiffs'
6 known addresses and phone numbers. If it does have such information, it shall also serve a copy
7 of this order and the April 1, 2016 order on plaintiffs by mail at the addresses known to defendant
8 and attach to its response to this order to show cause proof of such service.

9 In light of the parties' failures to file a status report and the apparent issues surrounding
10 plaintiffs' contact information, the status (pre-trial scheduling) conference currently set for May
11 12, 2016, is continued to June 30, 2016, at 10:00 a.m. The parties shall file a status report
12 addressing the topics set forth in the court's April 1, 2016 order (ECF No. 18) by no later than
13 June 23, 2016.²

14 Based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. By no later than June 2, 2016, plaintiffs shall show cause in writing why they should
16 not be sanctioned for their failures to file a status report in compliance with the court's
17 April 1, 2016 order (ECF No. 18) and provide timely notification of their current
18 addresses in compliance with Local Rule 182(f).
- 19 2. By no later than June 2, 2016, defendant City of Rancho Cordova shall show cause in
20 writing why it should not be sanctioned for its failure to file a status report in
21 compliance with the court's April 1, 2016 order (ECF No. 18). In its response,
22 defendant shall inform the court whether it's counsel has been in contact with
23 plaintiffs in the time since plaintiffs' counsel withdrew from representation and
24 whether defendant has updated contact information for plaintiffs, including plaintiffs'

25 _____
26 ² This status report shall preferably be filed jointly after the parties have had an opportunity to
27 confer regarding the topics set forth in the April 1, 2016 order. However, if defendant is unable
28 to contact plaintiffs after making good faith efforts to do so, it may file its own status report by
the above deadline that also includes a statement detailing the good faith efforts defendant
undertook in attempting to contact plaintiffs.

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known addresses and phone numbers. If defendant has such updated information, it shall also serve a copy of this order and the April 1, 2016 order on plaintiffs by mail at the addresses known to defendant and attach to its response to this order to show cause proof of such service.

3. The May 12, 2016 status (pre-trial scheduling) conference before the undersigned is CONTINUED to June 30, 2016, at 10:00 a.m.

4. The parties shall file a status report addressing the topics set forth in the court's April 1, 2016 order (ECF No. 18) by no later than June 23, 2016.

IT IS SO ORDERED.

Dated: May 3, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE