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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEV PATEL,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:15-cv-2471-KJN

ORDER TO SHOW CAUSE

On July 20, 2016, this action was reassigned to the undersigned for all further proceedings, including trial, based on the parties' statements of consent to the jurisdiction of a United States Magistrate Judge. (ECF Nos. 11, 13, 14.)¹ At the time this action was reassigned, no Status (Pre-trial Scheduling) Conference had occurred in this action, and no Scheduling Order was in place. Accordingly, the undersigned issued an order setting a Status (Pre-trial Scheduling) Conference in this matter for December 1, 2016. (ECF No. 17.) The parties were ordered to file status reports briefly describing this case and addressing several topics set forth in that order by no later than fourteen (14) days prior to that hearing date. (Id.) The parties timely filed a joint

¹ This action proceeds before the undersigned as a result of the parties' voluntary consent to the jurisdiction of a United States Magistrate Judge (ECF Nos. 11, 13). See 28 U.S.C. § 636(c)(1); Fed. R. Civ. P. 73; E.D. Cal. Local Rule 301.

1 status report in compliance with that order on November 16, 2016. (ECF No. 18.)


2 However, on the eve of the pretrial scheduling conference, counsel for plaintiff sent an
3 email to the undersigned's courtroom deputy stating that he would not be in attendance at that
4 hearing because he was on vacation in Florida and had forgotten to request a continuance of that
5 proceeding. Plaintiff's counsel further represented that he had also notified defense counsel of his
6 unavailability. While the undersigned appreciates that plaintiff's counsel provided some minimal
7 advance notice of his nonattendance prior to the hearing, it is troubling that he failed to notify the
8 court in a more expeditious manner and provide the court with a formal request for a continuance
9 of the hearing. Therefore, plaintiff's counsel shall show cause in writing why he should not be
10 sanctioned for his conduct.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Status (Pre-trial Scheduling) Conference currently scheduled for December 1,
13 2016 is VACATED and CONTINUED to January 5, 2017, at 10:00 a.m.
- 14 2. By no later than December 15, 2016, counsel for plaintiff shall show cause in writing
15 why he should not be subject to monetary or other appropriate sanctions for his failure
16 to timely notify the court regarding his anticipated absence at the December 1, 2016
17 pretrial scheduling conference and to file a formal request for a continuance of that
18 hearing.
- 19 3. Failure to timely comply with this order may result in increased sanctions.

20 IT IS SO ORDERED.

21 Dated: December 1, 2016

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23 _____
24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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