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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAYLA FRISELLA, et al.,
Plaintiffs,
v.
HARWINDER BISLA, et al.,
Defendants.

No. 2:16-cv-0586 CKD

ORDER

On October 31, 2017, the court stayed this matter, pending the outcome of defendant Harwinder Bisla’s criminal proceeding. (ECF No. 28.) On May 29, 2018, Mr. Bisla notified the court that he had been released from jail. (ECF No. 32.) As of August 20, 2018, his criminal matter was “still on going without resolution in the foreseeable future.” (ECF No. 33.)

Subsequently, plaintiffs notified the court that they have been unable to reach Mr. Bisla in order to complete and submit a joint status report. (ECF No. 34 at 1.) Plaintiffs assert that a continued stay is not appropriate because the subject matter of the criminal proceeding and the instant matter do not overlap, and it is “not at all clear how the Fifth Amendment would be implicated in Defendant’s testimony in the civil matter.” (Id. at 2.)

On October 10, 2018, the court ordered Mr. Bisla “to show cause in writing [by October 24, 2018] why the stay should not be lifted and explain why he failed to participate in the filing of a joint status report as ordered.” (ECF No. 35 at 2.) Mr. Bisla has failed to respond.

1 Thus, there is no cause to continue the stay in this matter because Mr. Bisla is no longer
2 incarcerated and he has not opposed plaintiffs' assertion that there is no overlap between the
3 instant matter and the pending criminal trial that would implicate his Fifth Amendment rights.

4 Moreover, Mr. Bisla is admonished that, while he is not represented by counsel, his failure
5 to respond to the court's order to show cause is unacceptable. "Pro se litigants must follow the
6 same rules of procedure that govern other litigants." King v. Atiyeh, 814 F.2d 565, 567 (9th Cir.
7 1987) (overruled on other grounds). The Eastern District Local Rules explain that "[a]ny
8 individual representing himself or herself without an attorney is bound by the Federal Rules of
9 Civil or Criminal Procedure, these Rules, and all other applicable law. All obligations placed on
10 'counsel' by these Rules apply to individuals appearing in propria persona. Failure to comply
11 therewith may be ground[s] for dismissal, judgment by default, or any other sanction appropriate
12 under these Rules." E.D. Cal. L.R. 183(a). Furthermore, "[f]ailure of counsel or of a party to
13 comply with these Rules or with any order of the Court may be grounds for imposition by the
14 Court of any and all sanctions authorized by statute or Rule or within the inherent power of the
15 Court." E.D. Cal. L.R. 110.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The stay in this matter is LIFTED.
- 18 2. Within fourteen days of this order, parties shall file a joint status report that updates
19 the previous joint pretrial statement (see ECF No. 22), proposes new trial dates, and
20 indicates the status of settlement negotiations, including whether parties seek a
21 settlement conference before this court. Each party shall participate in drafting this
22 joint status report.
- 23 3. **Failure to obey federal or local rules, or order of this court, will result in**
24 **sanctions against the offending party.** Such sanctions may include dismissal or
25 judgment by default, if appropriate.

26 Dated: November 1, 2018

27 
28 CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE