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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GLEN MEYERS,

 Plaintiff,

 v.

COUNTY OF SACRAMENTO, et al,

 Defendants.

No. 2:16-CV-01121-MCE-CKD (PS)

ORDER TO SHOW CAUSE

On July 18, 2018, attorneys Dennise Henderson and Stratton Barbee were terminated as plaintiff’s counsel of record. (ECF Nos. 23, 24.)

One and a half years later, on January 8, 2020, a response to defendants’ motion for summary judgment was purportedly filed on behalf on plaintiff. (ECF No. 50.) The response was electronically filed using Barbee’s CM/ECF login and password, and it included a declaration from Henderson, who claimed to have contacted defense counsel regarding the pending summary-judgment motion. (Id.)

On January 13, 2020, the court ordered Henderson and Barbee each to file a notice of appearance by January 17, 2020, if they intended to continue representing plaintiff. (ECF No. 51.) Absent such notice, Henderson and Barbee were prohibited from using their CM/ECF credentials to file documents in this matter on plaintiff’s behalf. (Id.)

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1 The January 17, 2020 deadline came and went, and neither attorney filed a notice of
2 appearance pursuant to Local Rules 182(a) and 131(a).

3 On February 19, 2020, however, Henderson filed a response to defendants' motion for
4 summary judgment on plaintiff's behalf, asking to reopen discovery and extend the deadline to
5 answer defendants' motion. (ECF No. 54.) Henderson attached an Appearance of Counsel form
6 and used Barbee's ECF login and password rather than her own. See L.R. 135(g).

7 On February 20, 2020, the court ordered Henderson and Barbee to show cause, within five
8 days, why they should not each be fined \$250 for improper use of an ECF login/password. (ECF
9 No. 54.) The court also reiterated that it would disregard any documents Henderson purportedly
10 filed on plaintiff's behalf until Henderson filed a standalone notice of appearance under her own
11 CM/ECF login and password.

12 Barbee timely filed a declaration in response to the show cause order, but Henderson did
13 not. (ECF No. 55.) Accordingly, on March 4, 2020, the court sanctioned Henderson in the
14 amount of \$250.00 for improper use of an ECF login and password. (ECF No. 58.)

15 Shortly thereafter, on March 6, 2020, Henderson filed a declaration responding to the
16 show cause order. Although Henderson's declaration was filed more than ten days after the
17 deadline, the court opted to rescind the sanction against her. (ECF No. 60.)

18 On June 15, 2020, the court issued findings and recommendations on defendants' motion
19 for summary judgment. Two weeks later, Henderson filed objections to the findings and
20 recommendations with a "Notice of Filing in Absentia," purporting to file the objections on
21 plaintiff's behalf.¹ (ECF No. 63.) Henderson submitted this filing despite never having filed a
22 notice of appearance under her own ECF login and password, as she was ordered to do for all
23 future filings. (ECF Nos. 51, 54.)

24 Henderson has continually disregarded this court's orders and the Local Rules with regard
25 to filing documents on plaintiff's behalf. The court has afforded her ample opportunity to correct
26 her behavior and avoid sanctions. That leniency, however, has proven to be ineffective.

27 _____
28 ¹ The court does not recognize a "filing in absentia." In the interest of justice, however, the court declines to strike the objections.


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Accordingly, Dennise Henderson is hereby ordered to show cause within 14 days why she should not be sanctioned in the amount of \$250. Further, plaintiff is advised that as a pro se litigant he, and he alone, is responsible for filing court documents. Plaintiff is cautioned that unless an attorney enters an appearance on his behalf, no attorney is authorized to utilize the court's electronic filing system, and any further filings will be stricken.

The Clerk of the Court is directed to send this Order to Dennise Henderson via ECF.

IT IS SO ORDERED.

Dated: July 7, 2020



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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