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| 8  | UNITED STATES DISTRICT COURT  |                            |
| 9  | FOR THE EASTERN DISTRICT OF CALIFORNIA  |                            |
| 10 |   |                            |
| 11 | DAVID WESLEY BIRRELL, et al.,   | No. 2:16-cv-1818 JAM CKD P |
| 12 | Plaintiffs,   |                            |
| 13 | v.  | <u>ORDER</u>               |
| 14 | ROBERT W. FOX,  |                            |
| 15 | Defendant.  |                            |
| 16 |   |                            |
| 17 | On October 31, 2018, the court ordered that plaintiffs' counsel, Mr. Paul R. Martin, turn             |                            |
| 18 | over all material in his possession relevant to this case to plaintiff David Wesley Birrell and file  |                            |
| 19 | an affidavit with the court indicating he has done so. While it appears from the record that Mr.      |                            |
| 20 | Martin has turned over case materials to plaintiff Birrell, he has not filed an affidavit with the    |                            |
| 21 | court.  |                            |
| 22 | Accordingly, IT IS HEREBY ORDERED that:   |                            |
| 23 | 1. If attorney Paul R. Martin has complied with the court's October 31, 2018 order by                 |                            |
| 24 | turning over all material in his possession relevant to this this case to plaintiff David Wesley      |                            |
| 25 | Birrell, he shall file an affidavit with the court indicating as much within 7 days. If Mr. Martin    |                            |
| 26 | has not turned over his case materials to plaintiff Birrell, Mr. Martin shall, within 7 days, explain |                            |
| 27 | why not.  |                            |
| 28 | /////   |                            |
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| 1  | 2. Mr. Martin's failure to comply with this order will result in an order that Mr. Martin |  |
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| 2  | appear before the court and show cause why monetary sanctions should not issue.           |  |
| 3  | Dated: January 18, 2019 Carop U. Delany   |  |
| 4  | CAROLYN K. DELANEY<br>UNITED STATES MAGISTRATE JUDGE                                      |  |
| 5  | UNITED STATES MADISTRATE JUDGE  |  |
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