

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RENE ORTIZ,

 Plaintiff,

 v.

ENHANCED RECOVERY COMPANY,

 Defendant.

No. 2:17-cv-0607 KJM DB PS

ORDER

Plaintiff is proceeding in this action pro se. This matter was, therefore, referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On May 20, 2019, the undersigned issued plaintiff an order to show cause for failure to prosecute. (ECF No. 77.) The order also cautioned the parties “to refrain from any form of threatening conduct.” (Id. at 2.) On May 21, 2019, plaintiff filed a response in which plaintiff warns defendants “to stop harassing me . . . or I will lead all . . . to their self-destruction, a massacre[.]” (ECF No. 78 at 4.)

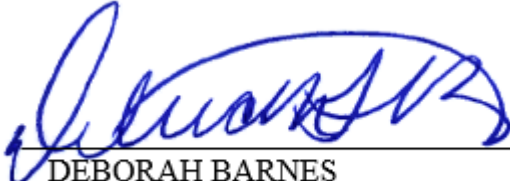
Plaintiff is cautioned that the court “has the inherent authority to impose sanctions for bad faith, which includes a broad range of willful improper conduct.” Fink v. Gomez, 239 F.3d 989, 992 (9th Cir. 2001). “The most common utilization of inherent powers is a contempt sanction levied to ‘protect[] the due and orderly administration of justice’ and ‘maintain[] the authority and dignity of the court.’” Primus Auto. Fin. Servs. v. Batarse, 115 F.3d 644, 648 (9th Cir. 1997) (quoting Cooke v. United States, 267 U.S. 517, 539 (1925)).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The undersigned anticipates that in the future plaintiff will refrain from use of such threatening language. Moreover, as the dispositive motion deadline has passed, and defendant has a pending motion for summary judgment, there is little need for the parties to communicate pending resolution of defendant's motion for summary judgment. Plaintiff is cautioned that future improper conduct may result in monetary or terminating sanctions.

IT IS SO ORDERED.

Dated: May 28, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:6
DB/orders/orders.pro se/ortiz0607.bw.ord