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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAYNARD EDRALIN BUMAGAT,

Plaintiff,

v.

TERRY SHILLINGER, et al.,

Defendants.

No. 2:17-c-02008-TLN-GGH

ORDER

ORDER TO SHOW CAUSE

On January 22, 2018 this court issued an Order to Show Cause requiring plaintiff to explain why he failed to attend a scheduled court hearing on the Motion to Dismiss filed by defendants County of Solano and Amy Furlong which was held on January 18, 2018. ECF 31. Plaintiff responded to that Order on January 22, 2018, and the Order will now be discharged.

PROCEDURAL HISTORY

In the period after the Motion to Dismiss was at issue and scheduled for hearing, but before the hearing was held, plaintiff filed a Motion to Strike Affirmative Defenses, ECF No. 22, raised in an Answer to his complaint filed by defendants Jeff Basset, Andrew Bidou, City of Vallejo and Terry Shillinger, ECF No. 16, a Motion for Procedural Accommodations, ECF No. 24, a Motion to Amend his Complaint, ECF No. 25, a copy of the proposed Fourth Amended Complaint against all defendants, ECF No. 26, and a Motion to Reissue Summons, ECF No. 27

1 All of plaintiff's filings predated the scheduled hearing date.

2 In addition soon after the filing of the complaint in this case, plaintiff filed another,
3 substantially identical complaint in case number 2:17-cv-2022-KJM-AC PS arising from the
4 same nucleus of operative facts and naming all of the defendants in the instant case plus some
5 additions.¹ He was granted in forma pauperis status in that case by Magistrate Judge Allison
6 Claire before the later case was related to this case pending before District Judge Nunley and the
7 undersigned. In 17-cv-2022, plaintiff has filed a Motion to Strike Affirmative Defenses, although
8 no Answer appears to have been filed in this matter, a Motion for Leave to File an Amended
9 complaint, ECF No. 10, a copy of the proposed amendment, ECF No. 11, a Motion to Reissue
10 Summons, ECF No. 12 and a Motion for Procedural Accommodations, ECF No. 13. Plaintiff's
11 Opposition to the Motion to Dismiss filed in 17-cv-2008 was filed in 17-2022 in error which
12 caused some confusion. ECF No. 14. There has been no action taken by the defendants in this
13 second case.

14 *DISCUSSION*

15 It had been the intention of the court to address all of the issues raised by both of these
16 cases and to attempt to clear up plaintiff's confusion during the scheduled hearing. Plaintiff,
17 however, appears to believe that his appearance was never requested, or was waived by one of the
18 court's earlier Orders. As a threshold matter, then, it is important for plaintiff to understand that
19 when a hearing is noticed (and unless expressly vacated by the court), it is expected that *all*
20 parties will appear at the hearing, either in person if acting pro se, or through counsel if they are
21 represented, as much of the procedural guidance requested by plaintiff is often provided during
22 such hearings where all parties can be heard on such issues.

23 In order to achieve some clarity with these actions, the court will reschedule a hearing on
24 the issues outstanding in both this case and the duplicative one – 2:17-cv-2022 – to be held on
25 April 5, 2018, with all parties present. The parties should be prepared to discuss the following
26 issues:

27 ¹ The additional defendants are Solano County District Attorney, Prosecutor Krishna A. Abrams,
28 and Deputy District Attorney Adam C. Wright.

