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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID MATAKIEWICZ, MARY
MATAKIEWICZ,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

No. 2:17-cv-02298-KJM-EFB

ORDER

On January 8, 2018, the court ordered plaintiffs' counsel, Laleh Ensafi, to show cause why she should not be sanctioned in the form of \$250 in monetary sanctions or dismissal of the case. OSC Min. Order, ECF No. 16. In its order, the court noted that plaintiffs had not filed a response to defendant's motion to dismiss, nor had they filed a status report. *Id.*; *see* ECF No. 15 at 1 (defendant's status report notifying court of "unsuccessful" attempts to reach plaintiffs' counsel). The court's order continued the pretrial scheduling conference and ordered the parties to file a joint status report seven days prior, warning failure to do so "may result in the imposition of sanctions." OSC Min. Order.

Plaintiffs' counsel did not respond to the order to show cause or file a status report. Defendant's independent status report indicates that plaintiffs' counsel did not "cooperat[e] to complete the report jointly." ECF No. 17 at 1-2. On January 29, 2018, plaintiffs filed notice of

1 voluntary dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).¹
2 ECF No. 20.

3 In light of plaintiffs' notice of voluntary dismissal, the court DISCHARGES the
4 outstanding order to show cause. The court nonetheless strongly cautions Ms. Ensafi in the future
5 to honor her obligations to the court, including her obligation to timely comply with court orders.

6 Accordingly, the order to show cause, ECF No. 16, is DISCHARGED;
7 defendant's motion to dismiss, ECF No. 8, is DENIED as MOOT; and, in light of plaintiffs'
8 notice of voluntary dismissal, ECF No. 20, this action is DISMISSED without prejudice with
9 each party to bear its own costs and fees.

10 IT IS SO ORDERED.

11 DATED: January 31, 2018.

12 
13 UNITED STATES DISTRICT JUDGE
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27 ¹ Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff who files "a notice of dismissal
28 before the opposing party serves either an answer or a motion for summary judgment" may
dismiss her case without a court order. Fed. R. Civ. P. 41(a)(1)(A)(i).