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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIELLE LYNNE CAMPBELL O/B/O
K.D.C.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:17-cv-2501-KJN

ORDER

On June 25, 2018, the Commissioner lodged the administrative transcript in this matter. (ECF No. 10.) Pursuant to the court’s scheduling order, plaintiff was required to file a motion for summary judgment and/or remand within 45 days of service with the administrative record. Plaintiff failed to comply with that deadline.

Consequently, on January 14, 2019, the court directed plaintiff, within 21 days, to file a motion for summary judgment and show cause in writing why plaintiff should not be sanctioned for failure to comply with the court’s scheduling order. (ECF No. 13.) On February 4, 2019, plaintiff filed a motion for summary judgment (ECF No. 14), but failed to respond to the court’s order to show cause.


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1 Therefore, on February 6, 2019, the court deemed the motion for summary judgment filed,
2 but ordered plaintiff's counsel to personally pay \$250.00 in sanctions to the Clerk of Court within
3 21 days, i.e., by February 27, 2019. Although that deadline has now long passed, the court's
4 docket does not reflect that such sanctions were paid. Based on the present record, it is unclear
5 whether plaintiff's counsel is engaging in a pattern of simply ignoring court orders or whether he
6 does not maintain a satisfactory system for calendaring deadlines. In either case, the court finds
7 that increased monetary sanctions are warranted. Plaintiff's counsel is additionally cautioned that
8 future failure to pay such sanctions may result in dismissal of the action. Because such action
9 would affect the rights of his client, the court orders that a copy of this order be served on his
10 client.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Within 21 days of this order, plaintiff's counsel shall personally pay a total of \$500.00
13 in monetary sanctions to the Clerk of Court based on his failure to comply with court
14 orders. Plaintiff's counsel shall not attempt to recover such sanctions from his client,
15 whether directly or indirectly.
- 16 2. Failure to timely pay the sanctions may result in dismissal of the action pursuant to
17 Federal Rule of Civil Procedure 41(b).
- 18 3. Plaintiff's counsel shall promptly serve a copy of this order on his client, and within
19 seven (7) days of this order, shall file on the court's docket a declaration of service
20 under penalty of perjury.

21 Dated: March 7, 2019

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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