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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP address
162.199.244.97.

Defendant.

No. 2:18-cv-001663-MCE-CKD

ORDER TO SHOW CAUSE

Plaintiff filed this matter on June 7, 2018, alleging that it holds the copyright on various adult films, and that defendant is infringing on those copyrights by anonymously downloading and distributing Strike 3’s films to others, using the BitTorrent protocol. (ECF No. 1 at 1–2.) Plaintiff could only identify defendant by his or her IP address, through which defendant downloads and distributes the films. (Id.)

To acquire defendant’s true name and address, plaintiff filed an ex parte application to serve a third-party subpoena on defendant’s internet service provider. (ECF No. 6.) The court granted this request on August 16, 2018, subject to certain limitations and conditions. (ECF No. 7.) Specifically, once plaintiff learned defendant’s true identity, plaintiff was to serve that person or entity a copy of the court’s order. (Id. at 5.) Within 45 days of August 16, 2018, plaintiff was to notify the court that service had been so completed, and whether defendant agreed to attend an

1 informal chambers conference before Magistrate Judge Gregory G. Hollows. (Id.)

2 On September 28, 2018, plaintiff notified the court that it expected to receive a response
3 to its third-party subpoena on or about October 22, 2018, after which plaintiff would
4 “immediately serve the individual identified by the ISP with a copy of the Court’s August 16,
5 2018 Order and, if Defendant agree[d], schedule a conference with the Court.” (ECF No. 8 at 1–
6 2.) That time having passed, plaintiff has failed to indicate that defendant was so served. Indeed,
7 plaintiff has apparently failed to complete service within the court-set time-frame, and never
8 requested an extension of time.

9 Eastern District Local Rule 110 provides that “[f]ailure of counsel or of a party to comply
10 with these Rules or with any order of the Court may be grounds for imposition by the Court of
11 any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Within 14 days of this order, plaintiff shall SHOW CAUSE in writing why the court
14 should not impose sanctions based upon its failure to follow the court’s previous
15 order.

16 Dated: November 9, 2018

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19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE
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