

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

PETER STROJNIK, SR.,  
Plaintiff,  
v.  
SACRAMENTO HOTEL, LLC,  
Defendant.

No. 2:19-cv-2041-TLN-CKD PS

SANCTIONS ORDER

On June 21, 2021, the court ordered plaintiff to show cause why the court should not impose sanctions in the form of a \$250 fine on plaintiff for failing to file a written response to the previously issued May 20, 2021 order to show cause. (ECF No. 17.) The time allotted for plaintiff to file a response has elapsed and plaintiff has not filed a response. Accordingly, the court will order plaintiff to pay the \$250 fine.

Plaintiff proceeds pro se in this case and filed the complaint in this matter on October 11, 2019. At plaintiff's request, the clerk's office entered a default against defendant Sacramento Hotel on January 28, 2020. (ECF No. 6.)

On November 12, 2020, the court ordered plaintiff to either proceed with a motion for default judgment or file a notice of dismissal of this action. Plaintiff filed a motion for default judgment on December 21, 2020. (ECF No. 11.) On December 23, 2020, the court issued a

1 minute order advising plaintiff the motion was defective because it was not noticed on the hearing  
2 calendar in compliance with Local Rule 230(b).

3 On May 20, 2021, the court ordered plaintiff to show cause, in writing and within 21 days,  
4 why the motion for default judgment should not be stricken for plaintiff's continued failure to  
5 comply with Local Rule 230 and why this case should not be dismissed for failure to prosecute  
6 and failure to comply with the court's orders and the local rules. Plaintiff was warned that failure  
7 to respond to the order to show cause could result in the imposition of sanctions. (ECF No. 15.)

8 On June 6, 2021, plaintiff filed a properly noticed motion for default judgment. (ECF No.  
9 16.) Plaintiff did not, however, respond in writing and within 21 days of the May 20, 2021 order  
10 to show cause. By order filed June 21, 2021, the court notified plaintiff that his noticing of the  
11 motion for default judgment for a hearing on August 18, 2021 did not suffice to satisfy the  
12 requirement of a written response to the order to show cause.<sup>1</sup> As such, plaintiff was ordered to  
13 show cause, in writing and within 14 days of service of the order, why the court should not  
14 impose sanctions in the form of a \$250 fine on plaintiff for failing to file a written response to the  
15 May 20, 2021 order to show cause. See Local Rule 110 ("Failure of counsel or of a party to  
16 comply with these Rules or with any order of the Court may be grounds for imposition by the  
17 Court of any and all sanctions . . . within the inherent power of the Court."); Local Rule 183 ("All  
18 obligations placed on 'counsel' by these Rules apply to individuals appearing in propria  
19 persona."); King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) ("Pro se litigants must follow the  
20 same rules of procedure that govern other litigants.") (overruled on other grounds by Lacey v.  
21 Maricopa County, 693 F.3d 896 (9th Cir. 2012)).

22 Plaintiff was cautioned that failure to timely file a written response to the June 21, 2021  
23 order to show cause could result in the imposition of sanctions, including the monetary sanctions  
24 as described and, in addition, up to and including dismissal of this action. As set forth, the time  
25 allotted for plaintiff to file a written response has passed and he has not responded.

---

26  
27 <sup>1</sup> Plaintiff was also ordered to take further action to demonstrate proper service of the complaint  
28 and summons on the defendant named in this action. The time for plaintiff's response to this part  
of the order has not yet elapsed.

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

Accordingly, IT IS HEREBY ORDERED:

1. Within 14 days of the entry of this order, plaintiff shall pay the Clerk of Court a monetary sanction of \$250.00.

2. Plaintiff is again cautioned that failure to comply with this order will result in the imposition of further sanctions up to and including further monetary sanctions and/or dismissal of claims or the action with prejudice. See Fed. Rules of Civ. P. 37(b)(2) and 41(b).

Dated: July 14, 2021

  
\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

8.Strojnik19cv2041.sanct250