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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 DEMETRIO MORAN,

11 Plaintiff,

12 v.

13 WASHINGTON MUTUAL BANK,
14 JPMORGAN CHASE BANK, N.A.,

15 Defendants.
16

Case No. 12-cv-04974 NC

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE
IMPOSED**

17 Plaintiff Demetrio Moran, represented by attorney Wendell Jamon Jones, filed
18 this mortgage action alleging that defendants' origination and servicing of plaintiff's
19 mortgage loan was improper. Dkt. No. 1. On October 5, 2012, defendants Washington
20 Mutual Bank and JP Morgan Chase Bank, N.A. moved to dismiss plaintiff's entire
21 complaint under Federal Rules of Civil Procedure 8, 9(b), and 12(b)(6). Dkt. No. 5.
22 Plaintiff did not file an opposition or statement of non-opposition to the motion as
23 required by Civil Local Rule 7-3.

24 This case is one of many in which attorney Jones has failed to respond to motions
25 to dismiss or other court orders. In previously filed mortgage cases in this District and
26 others, Jones has repeatedly failed to prosecute actions he filed on behalf of clients. *See,*
27 *e.g., Khan v. World Savings Bank, FSB*, No. 10-cv-04057 EJD, 2011 U.S. Dist. LEXIS
28 2442, 2011 WL 90765, at *1 (N.D. Cal. January 11, 2011) (Jones failed to file an

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1 opposition or statement of non-opposition to defendants’ motion to dismiss; failed to
2 respond to the order to show cause or appear at the order to show cause hearing; Jones
3 ordered to pay \$1,000 in sanctions and to report the sanction to the state bar); *Villar v.*
4 *Bank of America Corp.*, No. 10-cv-1910-KJM KJN (E.D. Cal. filed July 20, 2010) (Jones
5 failed to file an opposition or notice of non-opposition to defendant’s motion to dismiss
6 in compliance with E.D. Cal. R. 230(c); court issued an order to show cause as to why
7 Jones should not be sanctioned; Jones did not respond to that order); *Rodriguez v. Bank*
8 *of America Corp.*, No. 11-cv-05134 TEH (N.D. Cal. filed October 19, 2011) (Jones filed
9 no response to defendant’s motion to dismiss the first amended complaint, to which
10 Jones did not file a response of any kind; Jones did not respond to the order to show
11 cause as to why the case should not be dismissed; after the court ordered Jones to appear
12 before it and warned that if he failed, “the Court may order the United States Marshal to
13 locate Mr. Jones and bring him before the Court,” Jones assured the court that he has
14 “the utmost respect for the judicial system and will make sure that this type of oversight
15 doesn’t happen in the future.”).

16 In a recent case before this district, *Zepeda v. Bank of America Corp.*, 12-cv-
17 03098 JSC (N.D. Cal. filed June 15, 2012), Jones again failed to file an opposition or
18 statement of non-opposition to defendants’ motion to dismiss and failed to respond to the
19 court’s order to show cause why the case should not be dismissed. *See id.*, Dkt. No. 17.
20 After issuance of a second order to show cause for why sanctions should not be imposed,
21 Jones appeared at a hearing and represented that he would change his behavior. *See id.*,
22 Dkt. No. 25. Magistrate Judge Corley ordered that, “while no sanctions will be imposed
23 at this time, the Court cautions Mr. Jones that his continuing cases in this district will be
24 monitored, and should he again fail to respond to motions or court orders, he will be
25 referred to the Standing Committee on Professional Conduct, the Chief Judge, or another
26 appropriate disciplinary authority in the Northern District (see L.R. 11-6 (a)) without
27 another hearing or any further notice.” *Id.*, Dkt. No. 25.

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1 Accordingly, on November 7, 2012, at 1:00 p.m., Jones is ordered to appear in
2 person before this Court and show cause why he should not be sanctioned for failure to
3 file an opposition or statement of non-opposition to defendants' motion to dismiss and
4 for repeated failures to comply with court orders. Such sanctions may include monetary
5 sanctions, referral to the Northern District Standing Committee on Professional Conduct,
6 the Chief Judge, or another appropriate disciplinary authority in California or the
7 Northern District. *See* L.R. 11-6 (a). Jones is further ordered to provide a copy of this
8 order to his client.

9 IT IS SO ORDERED.

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11 DATED: October 31, 2012



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13 NATHANAEL M. COUSINS
14 United States Magistrate Judge
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