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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN PATRICK HENNEBERRY,
Plaintiff,
v.
CITY OF NEWARK, et al.,
Defendants.

Case No. [13-cv-05238-MEJ](#)**ORDER TO SHOW CAUSE RE:
SECOND FAILURE TO APPEAR**

Plaintiff's counsel filed a motion to withdraw, which was scheduled to be heard on May 25, 2017. The Court ordered both Plaintiff and his counsel to appear. Dkt. No. 106. On the day of the hearing, Plaintiff appeared but his counsel did not. On the record and in the Court's minutes filed that day, the Court denied the motion to withdraw and scheduled a status conference for July 6, 2017. *See* Minutes, Dkt. No. 110. In a separate order, the Court also continued the hearing on the motion to withdraw until July 6, 2017, and ordered counsel to show cause why she should not be sanctioned for failing to appear. *See* Order to Show Cause ("OSC"), Dkt. No. 109. Upon receiving counsel's response, the Court discharged the OSC and granted the motion to withdraw. Order, Dkt. No. 116. The Court did not vacate the status conference scheduled for July 6, 2017. Defendants appeared at the status conference; Plaintiff did not. *See* July 6, 2017 Minutes, Dkt. No. 120.

This is the second time Defendants have appeared at hearings that could not go forward because Plaintiff or his counsel did not participate in the proceedings. The Court orders Plaintiff to show cause why he should not reimburse Defendants for the reasonable fees and costs they incurred in preparing for and attending the status conference. Plaintiff's pro se status does not excuse him from following this Court's orders and being aware of scheduled deadlines and

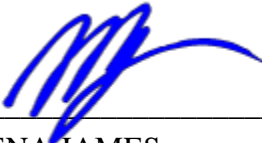
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appearances. Moreover, this case cannot proceed to trial without Plaintiff's participation.

Plaintiff shall file this declaration no later than July 20, 2017. If Plaintiff does not file this declaration, the Court will order him to bear all of Defendants' reasonable fees and costs.

IT IS SO ORDERED.

Dated: July 7, 2017



MARIA-ELENA JAMES
United States Magistrate Judge