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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM ANTHONY BOND,
Plaintiff,
v.
PHILIPPI,
Defendant.

Case No. [4:15-cv-04079-KAW](#)

**ORDER DISCHARGING 6/9/17 ORDER
TO SHOW CAUSE; ORDER
REFERRING PLAINTIFF TO PRO
BONO PROJECT**

Re: Dkt. No. 48

United States District Court
Northern District of California

On June 9, 2017, the Court issued an order to show cause to Plaintiff’s counsel Ellen Dove to explain why she failed to appear twice before Magistrate Judge Nandor Vadas, who was referred the case for settlement. (Dkt. No. 48.) Ms. Dove did not file a timely response. Instead, she sent a response, dated June 16, 2017, to the undersigned’s proposed order email account, which is an unauthorized ex parte communication. She later sent a case management conference statement to the same email address. Therein, Ms. Dove represents that she wishes to be relieved as counsel due to her impending retirement.

Accordingly, the Court DISCHARGES the order to show cause, and admonishes counsel for not properly filing documents on the public docket. The Court trusts that this will not happen again absent a formal motion to file under seal. The two documents sent via email are attached to this order, with the two sentences pertaining to settlement communications redacted, as that content is sealable.

Additionally, the Court determines that it would be beneficial to have appointed counsel assist Plaintiff in this matter, given Ms. Dove’s intention to retire soon. The Court REFERS the action to the Federal Pro Bono Project (“Project”) to secure pro bono counsel to represent Plaintiff in this action, in the manner set forth below:

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- (1) The Clerk of the Court shall forward the Referral Order, and a copy of the complaint (Dkt. No. 1) to the San Francisco Project office. The scope of this referral shall be for all purposes for the duration of this case.
- (2) Upon being notified by the Project that an attorney has been identified to represent Plaintiff, that attorney shall be appointed as counsel for Plaintiff in this matter for the scope of representation described above, and Ms. Dove will be relieved as counsel of record.
- (3) All proceedings in this action are temporarily STAYED until the Court is informed by the Project that counsel has been secured and appointed by the Court. Upon the appointment of counsel, the case will continue to be stayed until **four (4) weeks** from the date an attorney is appointed to represent Plaintiff, and a case management conference will be scheduled.

IT IS SO ORDERED.

Dated: July 7, 2017


KANDIS A. WESTMORE
United States Magistrate Judge