

1 **\*\* E-filed January 28, 2010 \*\***

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7 NOT FOR CITATION  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 PETER BECKUM,

No. C09-03301 HRL

12 Plaintiff,

**ORDER TO SHOW CAUSE**

13 v.

14 CITY OF EAST PALO ALTO; OFFICER  
15 SOARES, individually and in his Personal  
16 Capacity and his Official Capacity as a  
17 police officer for the City of East Palo Alto;  
and CHIEF OF POLICE RONALD L. Davis,

Defendants.  
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18 In July 2009, plaintiff Peter Beckum filed a civil rights action against defendants. A Case  
19 Management Conference was set for November 10, 2009 that was later continued to December 29,  
20 2009 due to the court's unavailability. After defendants requested a continuance of this  
21 conference—to which plaintiff filed no opposition—the court ordered the parties to consent or  
22 decline to magistrate jurisdiction by December 22, 2009. To date, plaintiff has failed to do either.  
23 The court's attempts to contact plaintiff's counsel, David Washington, using the telephone number  
24 and e-mail address listed for him in the court's electronic filing system have been unsuccessful.

25 The Initial Case Management Conference is now scheduled for February 2, 2010. Based on  
26 this date, the parties' Joint Case Management Statement and initial disclosures were due on January  
27 25, 2010. Upon inquiry, the defendants represented to the court that they had sent a draft of a Joint  
28 Case Management Statement to Mr. Washington but had received no response. They then filed a

1 separate statement on January 27, 2010. Plaintiff's counsel did sign a stipulation selecting an  
2 Alternative Dispute Resolution process on January 21, 2010 (Docket No. 13), but otherwise, there  
3 has been no docket activity on behalf of the plaintiff since he filed suit.

4 Based on the foregoing, IT IS ORDERED that plaintiff's counsel David Washington shall  
5 appear in person before this court on February 2, 2010 at 1:30 p.m., Courtroom 2, 280 South First  
6 Street, San Jose, California and show cause, if any, why this court should not impose sanctions for  
7 his failure to: (1) respond to this court's orders, (2) cooperate with defendants in the preparation of a  
8 Joint Case Management Statement, and (3) update his contact information with this court as  
9 required by the Local Rules. The failure to comply with this order will be deemed additional  
10 grounds for the imposition of sanctions, including dismissal of the case for failure to prosecute. *See*  
11 Fed. R. Civ. P. 41(b).

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13 Dated: January 28, 2010

  
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HOWARD J. LLOYD  
UNITED STATES MAGISTRATE JUDGE

