

- 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
SOUTHERN DISTRICT OF CALIFORNIA**

ROCKY M. CONTRERAS, <div style="text-align: right; padding-right: 20px;">Plaintiff,</div> vs. CHARLES LULLEY; LIBERTY EAGLE, VESSEL; LIBERTY MARITIME CORPORATION, <div style="text-align: right; padding-right: 20px;">Defendants.</div>		CASE NO. 09-CV-53-H (AJB) ORDER DENYING MOTION FOR SANCTIONS
--	--	--

On February 18, 2010, Plaintiff Rocky M. Contreras filed a motion for sanctions against Defendants, alleging that counsel for Defendants violated various Federal Rules of Civil Procedure and Court orders. (Doc. No. 55.) Plaintiff indicated on his brief that a telephonic hearing on his motion is scheduled for March 18, 2010, at 9:00 a.m. (Id.) Plaintiff did not obtain the hearing date for his motion from the District Judge's law clerk pursuant to Civil Local Rule 7.1(b). The Court submits the motion on the papers and vacates the March 18, 2010 hearing date. For the following reasons, the Court DENIES Plaintiff's motion for sanctions.

On January 14, 2009, Plaintiff Rocky M. Contreras, proceeding *pro se*, filed a complaint in this Court against Defendants Charles Lulley, Liberty Eagle, and Liberty Maritime Corporation. (Doc. No. 1.) On August 5, 2009, Defendant Liberty Maritime Corporation filed

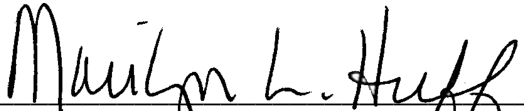
1 its answer. (Doc. No. 15.) On November 2, 2009, Defendant Liberty Maritime Corporation
2 filed a motion for judgment on the pleadings. (Doc. No. 29.) On January 29, 2010, Defendant
3 Liberty Maritime Corporation filed its Rule 26(f) report, indicating that Plaintiff's three cases,
4 Contreras v. Mahan et al., 09-CV-19-H (WMC); Contreras v. Lulley et al., 09-CV-53-H (AJB);
5 and Contreras v. Liberty Maritime Corporation et al., 09-CV-231-H (AJB) should be
6 consolidated or should proceed on the same trial schedule. (Doc. No. 49.) On February 16,
7 2010, Plaintiff filed a motion to continue and a motion for change of venue. (Doc. No. 53.)
8 Plaintiff indicated on his brief that a hearing on his motion is scheduled for March 18, 2010.
9 (Id.) Plaintiff did not obtain the hearing date for his motion from the District Judge's law clerk
10 pursuant to Civil Local Rule 7.1(b). The Court has requested briefing from Defendants. (Doc.
11 No. 54.)

12 The Court notes that Plaintiff filed multiple cases in this Court: Contreras v. McKenna
13 et al., 08-CV-44-BEN (WMC); Contreras v. Brudzinski, 08-CV-1154-JLS (POR); Contreras
14 v. Vazquez, 08-CV-1362-BEN (WMC); Contreras v. Mahan et al., 09-CV-19-H (WMC);
15 Contreras v. Lulley et al., 09-CV-53-H (AJB); Contreras v. Liberty Maritime Corporation et
16 al., 09-CV-231-H (AJB); Contreras v. Vazquez et al., 09-CV-1267-IEG (CAB); and Contreras
17 v. Vasquez et al., 09-CV-2359-IEG (CAB).

18 On February 18, 2010, Plaintiff filed this motion for sanctions. (Doc. No. 55.)
19 Although Plaintiff cites 18 U.S.C. § 401, Federal Rule of Criminal Procedure 42, Federal Rule
20 of Civil Procedure 37(b), and Local Civil Rules 83.3, 83.4 and 83.5, Plaintiff's motion for
21 sanctions lacks merit. Defendants may seek to consolidate all or part of Plaintiff's cases under
22 the law, and the Court has authority to decide the proper order for discovery, case
23 management, and ruling on the motions before it. Accordingly, the Court DENIES Plaintiff's
24 motion for sanctions.

25 **IT IS SO ORDERED.**

26 DATED: February 23, 2010

27 
28 MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT