

1 and attorneys' fees reasonably incurred because of such conduct." 28 U.S.C. § 1927.
2 Section 1927 requires that the attorney acted in bad faith or by "knowingly or recklessly
3 making a frivolous argument" before a district court may impose sanctions. *Gin v. Chicago*
4 *Ins. Co.*, 106 F.3d 407 (9th Cir. 1997). Negligent conduct is not enough. Before issuing
5 an attorneys' fee award pursuant to section 1927, a district court must make a finding of
6 subjective bad faith. *In re Keegan Mgmt. Co.*, 78 F.3d 431, 436 (9th Cir. 1996). A court
7 retains "substantial leeway" when determining whether to impose sanctions pursuant to
8 section 1927. *Haynes v. City & Cty. Of San Francisco*, 688 F.3d 984, 987 (9th Cir. 2012).
9 The Court finds that Plaintiff has not acted in bad faith and accordingly denies Defendant's
10 motion for attorney's fees.

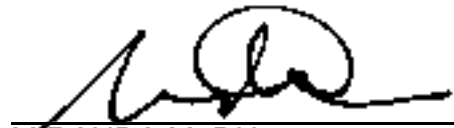
11 It is therefore ordered that Plaintiff's second motion to dismiss (ECF No. 24) is
12 granted. This case is dismissed without prejudice.

13 It is further ordered that Plaintiff's first motion to dismiss (ECF No. 20) is denied as
14 moot.

15 It is further ordered that Defendant's motion for attorney's fees (ECF No. 22) is
16 denied.

17 The Clerk is instructed to close this case.

18 DATED THIS 6th day of October 2017.

19
20 
21 _____
22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28