

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARCUS PEARMAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:12-cv-1019-DGW
	)	
HAROLD SCHULER and CANDACE	)	
CHILDERS,	)	
	)	
Defendants.	)	

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court are the Motion for Sanctions (Doc. 34) and the Motion to Stay Deadlines (Doc. 35) filed by Defendants, Harold Schuler and Candace Childers, on July 30, 2013. The Motion for Sanctions is **GRANTED in PART** and the Motion to Stay Deadlines is **GRANTED**.

On June 26, 2013, Defendants served an amended notice of deposition upon Plaintiff at his current address, 714 East 91st Place, Chicago, Illinois 60619. The amended notice indicated that Plaintiff's deposition would occur on July 15, 2013 at 1:00 p.m. at the Attorney General's office in Springfield, Illinois. Defendant indicates that prior to service of the notice, Plaintiff had stated that the date, time, and location of the deposition would be acceptable. Plaintiff failed to appear at the deposition. Defendants seek sanctions, including dismissal of this lawsuit. Plaintiff, who is proceeding *pro se*, has failed to respond to the motion.

Federal Rule of Civil Procedure 37(d)(3) provides for a variety of sanctions, including dismissal of a lawsuit, for the failure to attend a duly scheduled deposition. The Rules also

require the imposition of monetary sanctions unless “the failure was substantially justified or other circumstances make an award of expenses unjust.” Plaintiff has failed to attend his deposition, has failed to respond to the motion for sanctions, and has not indicated why he elected to ignore the notice served by Defendants. In light of Plaintiff’s *pro se* status, however, Plaintiff shall be granted one opportunity to explain his failure to participate in this lawsuit.

To that end, Plaintiff is **ORDERED TO SHOW CAUSE** by **September 23, 2013**, in writing, why this matter should not be dismissed for want of prosecution and as a sanction for failing to appear at a scheduled deposition. Plaintiff is **WARNED** that the failure to respond to this Order by the deadline **SHALL** result in dismissal of this lawsuit and may result in costs being awarded to Defendants. The deadlines in this matter are hereby **STAYED** pending Plaintiff’s response to this Order.

**IT IS SO ORDERED.**

**DATED: September 9, 2013**

**DONALD G. WILKERSON**  
**United States Magistrate Judge**