IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

GEORGE E. JACOBS IV,	1:05-cv-01625-LJO-GSA (PC)
Plaintiff,	ORDER FOR PLAINTIFF TO ADVISE COURT WHETHER HE WISHES TO DELAY TRIAL OR
vs.	DISMISS DEFENDANT CROTTY
W. J. SULLIVAN, et al.,	FOURTEEN DAY DEADLINE
Defendants.	
_____/	

Plaintiff George E. Jacobs IV ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action now proceeds on the Third Amended Complaint filed by Plaintiff on May 5, 2010, against defendants Crotty, Nelson, Watson, Chan, McGregor, Alexander, Carrasco, Blankenship, Jobb, Granillo, Johnson, and Salazar aka Adams, for violation of Plaintiff's rights under the Eighth Amendment. (Doc. 29.)

The pretrial deadlines in this case, established by the Court's scheduling orders, have expired. At this stage of the proceedings, the court would ordinarily schedule the case for trial. However, as Plaintiff is aware, defendant Crotty has filed bankruptcy, and there is an automatic stay of the case against defendant Crotty pending resolution of the bankruptcy. The bankruptcy proceedings are likely to continue for some time. Therefore, at this juncture, Plaintiff shall be

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required to advise the court whether he wishes to delay the trial until the bankruptcy stay is lifted, or dismiss defendant Crotty from this action and proceed to trial now.

Accordingly, IT IS HEREBY ORDERED that within fourteen days from the date of service of this order, Plaintiff shall file a response in writing, advising the court whether he wishes to (1) delay the trial in this action until defendant Crotty's bankruptcy is resolved, or (2) dismiss defendant Crotty from this action and proceed to trial now.

IT IS SO ORDERED.

Dated: **November 16, 2012**   **/s/ Gary S. Austin**
                                                  UNITED STATES MAGISTRATE JUDGE