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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

THOMAS CAVNER,

1:07-cv-00184-GSA-PC

Plaintiff,

ORDER FOR DEFENDANTS TO  
FILE PRETRIAL STATEMENT WITHIN  
TWENTY DAYS

vs.

ERICA WEINSTEIN, et al.,

Defendants.

Thomas Cavner (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on February 2, 2007. (Doc. 1.) The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and on June 7, 2010, the case was reassigned to United States Magistrate Judge Gary S. Austin to conduct any and all further proceedings in the case, including trial and entry of final judgment. (Docs. 35, 39, 40.) This case now proceeds on Plaintiff’s original complaint, against defendants Erica Weinstein and Thomas Voss (“Defendants”), for failing to provide Plaintiff with adequate medical treatment, in violation of the Eighth Amendment.

On March 11, 2010, the court issued a Second Scheduling Order in this action, scheduling a jury trial and requiring the parties to file pretrial statements. (Doc. 32.) Neither party complied with the court’s order to file pretrial statements. On September 8, 2010, the court vacated the trial and ordered Plaintiff to show cause why this action should not be dismissed

1 based on his failure to comply with the court's order. (Doc. 42.) On October 15, 2010, Plaintiff  
2 filed a pretrial statement, asserting that he previously submitted a pretrial statement, as ordered,  
3 which somehow was not received by the court. (Doc. 43.) At this juncture, Defendants are  
4 required to file their pretrial statement.

5 Accordingly, IT IS HEREBY ORDERED that within twenty days of the date of service of  
6 this order, Defendants shall file their pretrial statement, pursuant to the court's order of March  
7 11, 2010.

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9 IT IS SO ORDERED.

10 **Dated: October 20, 2010**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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