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

DESHA CARTER,)	CASE NO. 1:07-cv-01736 JLT (PC)
Plaintiff,)	
v.)	ORDER TO SHOW CAUSE WHY THE
C. MUNOZ, et al.,)	MATTER SHOULD NOT BE DISMISSED
Defendants.)	FOR PLAINTIFF'S FAILURE TO COMPLY
)	WITH THE COURT'S ORDERS
)	(Doc. 63)

Plaintiff is a prisoner proceeding pro se in this action that asserts violation of his civil rights according to 42 USC § 1983. Plaintiff filed this action on November 30, 2007. On May 25, 2010, the Court granted in part and denied in part Defendants' motion for summary judgment. (Doc. 58)

On July 28, 2010, the Court issued its Second Scheduling Order setting forth the dates by which the matter would proceed to trial. (Doc. 59) Notably, the Court ordered Plaintiff to file his pretrial statement by November 5, 2010 and Defendants to file their statement by December 16, 2010. Id. In addition, any motions to obtain the attendance of incarcerated witnesses was to occur by November 5, 2010. Id. at 3. To date, Plaintiff has failed to file his pretrial statement.

Therefore, immediately, but no later than December 17, 2010, Plaintiff is ordered file his pretrial statement or show cause why this matter should not be dismissed due to his failure to comply with the Court's order.

Defendants are **ORDERED** to file their pretrial statements within 21 days after Plaintiff files his

1 pretrial statement.(Doc. 63)

2 **Plaintiff is advised that his failure to comply with this order, will result in the Court**
3 **dismissing his case based upon Plaintiff's failure to comply with the Court's orders.**

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5 IT IS SO ORDERED.

6 Dated: November 23, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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