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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 DISCHARGING ORDER TO SHOW CAUSE
C. MUNOZ, et al.,	)	(Doc. 67)
Defendants.	)	

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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.

On November 23, 2010, the Court issued an order to Plaintiff to show cause why the matter should not be dismissed due to his failure to file a pre-trial statement. (Doc. 64) On December 6, 2010, Plaintiff filed a response indicating that he had been paroled, then violated on parole and that he continues to be incarcerated as a result. Id. At the time of the date of the letter, November 28, 2010,

1 Plaintiff reported that he was due to be released on December 5, 2010. Id. Plaintiff reported that he  
2 would be able to file his pre-trial statement by the Court's imposed deadline of December 17, 2010. Id.

3 Given this, the Court **DISCHARGES** its order to show cause. However, Plaintiff is advised that  
4 the Court will not permit an additional extension of time to file his pretrial statement without a showing  
5 of exceptional good cause. Plaintiff is advised further that the Court does not consider his failure to  
6 remain out of custody, good cause to grant an extension of time.

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

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10 IT IS SO ORDERED.

11 Dated: December 8, 2010

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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