

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

MAXIMILIAN MONCLOVA-CHAVEZ,)	1:08-cv-00076-AWI-BAM
)	
Plaintiff,)	ORDER DISCHARGING ORDER
)	TO SHOW CAUSE
v.)	
)	(Doc. 139)
ERIC MCEACHERN; TIMOTHY)	
MILLER; KENNETH WHITE;)	
and C.O. TINCHER,)	
)	
Defendants.)	

The Court refers the parties to previous orders for a complete chronology of the proceedings. On April 23, 2012, the Magistrate Judge issued a scheduling order setting the jury trial of defendants Timothy Miller and Kenneth White for February 20, 2013.¹ The scheduling order further set a telephonic trial confirmation hearing for January 7, 2013 and directed the parties to file a joint pretrial statement in accordance with Eastern District Local Rule 281(a)(2) – that is to say, not less than seven (7) days before the trial confirmation hearing date. No joint pretrial statement was filed by the parties within the foregoing time frame. Consequently, on January 3, 2013, the Court vacated all future dates and issued an order to the parties to show cause why the case should not be dismissed

¹ A default was entered against defendant Eric McEachern by the Clerk of Court on December 8, 2010, whereas the trial of defendant C.O. Tincher was severed from trial of the remaining defendants by court order issued June 21, 2012.

1 for failure to prosecute and/or comply with the Magistrate Judge's April 23, 2012 scheduling order.

2 On January 13, 2013, defendants Miller and White filed their response to the order to show
3 cause. On January 14, 2014, plaintiff Maximilian Monclova-Chavez filed his response to the order
4 to show cause. The Court has reviewed both responses and is satisfied with the explanations as to
5 why no pretrial statement was filed. Accordingly, the Court ORDERS the parties to meet and confer
6 at their earliest convenience for the purpose of preparing a joint pretrial statement and to file such
7 statement with the Court by 4:00 p.m. Friday, February 15, 2013. The Court further refers the case
8 to the Magistrate Judge for a trial-setting conference. The order to show cause is hereby discharged.

9
10 IT IS SO ORDERED.

11 Dated: January 16, 2013



12 SENIOR DISTRICT JUDGE