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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN RAY DYNES,

CASE NO. 1:08-cv-00136-GSA PC

Plaintiff,

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY ACTION SHOULD NOT BE
DISMISSED FOR FAILURE TO FILE
PRETRIAL STATEMENT

v.

C/O JUAN MEDINA, et al.,

(Doc. 39)

Defendants.

FIFTEEN-DAY DEADLINE

_____ /

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff John Ray Dynes, a prisoner proceeding pro se and in forma pauperis. Plaintiff is currently incarcerated at the Fresno County Jail. This action is proceeding on Plaintiff's amended complaint, filed April 24, 2008, against Defendants Medina and Williams for use of excessive physical force, in violation of the Eighth Amendment. Plaintiff's claim arises from an incident which occurred while he was incarcerated at Kern Valley State Prison. This matter is set for a telephonic trial confirmation hearing on February 24, 2010, and jury trial on March 15, 2010.

Pursuant to the Court's second scheduling order, filed on August 24, 2009, Plaintiff's pretrial statement was due on January 4, 2010. Plaintiff was warned that the failure to file his pretrial statement may result in the imposition of sanction, including dismissal of this action. To date, Plaintiff has not filed a pretrial statement.

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Accordingly, it is HEREBY ORDERED that:

1. Plaintiff has **fifteen (15) days** from the date of service of this order within which to show cause, in writing, why this action should not be dismissed, with prejudice, based on his failure to file his pretrial statement; and
2. The failure to respond to this order will result in dismissal of this action, with prejudice.

IT IS SO ORDERED.

Dated: January 20, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE