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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA  
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10 EDWARD DEMERSON,

Case No. 1:08-cv-00144-LJO-SKO PC

11 Plaintiff,

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

12 v.

13 JEANNE S. WOODFORD, et al.,

14 Defendants.

(Doc. 174)

15 SEVEN-DAY DEADLINE  
16 \_\_\_\_\_/

17 Plaintiff Edward Demerson, a former state prisoner proceeding pro, filed this civil rights  
18 action pursuant to 42 U.S.C. § 1983 on January 29, 2008. Jury trial is set for February 11, 2014.  
19 Pursuant to the second scheduling order filed on July 22, 2013, Plaintiff's pretrial statement was  
20 due on or before November 8, 2013, but Plaintiff failed to comply with the order.<sup>1</sup>

21 Accordingly, Plaintiff is HEREBY ORDERED to show cause within **seven (7) days** from  
22 the date of service of this order why this action should not be dismissed, with prejudice, as a  
23 sanction against him for failing to obey a court order and failing to prosecute this action. **The**

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28 <sup>1</sup> Plaintiff is no longer incarcerated and may not rely upon the prison mailbox rule to meet filing deadlines. *Douglas v. Noelle*, 567 F.3d 1103, 1107 (9th Cir. 2009).

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failure to comply with this order, or the failure to show good cause, will result in dismissal of this action, with prejudice.

IT IS SO ORDERED.

Dated: November 12, 2013

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE