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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERNEST HECTOR ABEYTIA,)	1:08-cv-1528 OWW
)	
Plaintiff,)	ORDER TO SHOW CAUSE
)	
v.)	8/17/09 10:00 Ctrm. 3
)	
FRESNO POLICE DEPARTMENT, et)	
al.,)	
)	
Defendants.)	
)	
)	

A Scheduling Conference was held at 8:15 a.m. on July 16, 2009, and the Court waited until 8:30 a.m. for Plaintiff to appear. Weakley, Arendt & McGuire by Rosemary McGuire, Esq., appeared for Defendants.

The record reflects that Mr. Abeytia has failed to oppose a prior motion to dismiss the complaint and failed to respond to the Court's Order that he file an opposition or a statement of non-opposition to the motion to dismiss. Plaintiff was given leave to amend the complaint. He has failed to do so.

Plaintiff failed to appear for the Scheduling Conference. Plaintiff failed to participate in preparing a Joint Scheduling Conference Statement.

1 In view of the continued violation of the Court's Orders and
2 Federal Rule of Civil Procedure 16 requirements, IT IS ORDERED
3 that Plaintiff Ernest Hector Abeytia show cause if any he has on
4 August 17, 2009, at the hour of 10:00 a.m. why this case should
5 not be dismissed for Plaintiff's failure to prosecute or to take
6 any action whatsoever to advance his case. For the further
7 reason that Plaintiff has violated the Court's orders regarding
8 response to the motion to dismiss, failure to jointly prepare or
9 participate in preparation of the Joint Scheduling Conference
10 Statement, and a failure to appear at the Scheduling Conference
11 held on July 16, 2009.

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13 IT IS SO ORDERED.

14 Dated: July 17, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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