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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 LOUIS BRANCH,
9 Plaintiff,
10 v.
11 D. UMPHENOUR,
12 Defendant.

Case No. 1:08-cv-01655-SAB (PC)
ORDER DISCHARGING ORDER TO
SHOW CAUSE AND ADVISEMENT OF
PRETRIAL CONFERENCE SET FOR
FRIDAY, APRIL 7, 2023, AT 9:30 A.M.

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14 Louis Branch (“Plaintiff”), a state prisoner proceeding *pro se* and *in forma pauperis*, filed
15 this civil rights action pursuant to 42 U.S.C. § 1983.

16 This case is currently set for jury trial on May 23, 2023. (ECF No. 386.) The parties
17 pretrial statements were due on or before March 14, 2023, and the pretrial conference is
18 scheduled for April 7, 2023, at 9:30 a.m. (Id.)

19 Although Defendant filed a motion to modify the scheduling order on March 17, 2023
20 (ECF No. 387), neither party filed their pretrial statement. Therefore, on March 20, 2023, the
21 Court ordered the parties to show cause within five days as to why sanctions should not be
22 imposed. (ECF No. 389.)

23 Defendant filed a response to the order to show cause, as well as the pretrial statement on
24 March 24, 2023. (ECF Nos. 390, 391.) Plaintiff has not responded to the order to show cause or
25 filed his pretrial statement.

26 Because Defendant has responded to the order to show and filed the pretrial statement as
27 well as shown sufficient for the failure to comply with the Court’s January 18, 2023, scheduling
28 order, the Court will discharge the order to show cause. As noted, the pretrial conference is set

