## 1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 LOUIS BRANCH, 8 Case No. 1:08-cv-01655-SAB (PC) 9 Plaintiff, ORDER DISCHARGING ORDER TO SHOW CAUSE AND ADVISEMENT OF PRETRIAL CONFERENCE SET FOR 10 v. FRIDAY, APRIL 7, 2023, AT 9:30 A.M. D. UMPHENOUR, 11 12 Defendant. 13 Louis Branch ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, filed 14 this civil rights action pursuant to 42 U.S.C. § 1983. 15 This case is currently set for jury trial on May 23, 2023. (ECF No. 386.) The parties 16 pretrial statements were due on or before March 14, 2023, and the pretrial conference is 17 scheduled for April 7, 2023, at 9:30 a.m. (Id.) 18 Although Defendant filed a motion to modify the scheduling order on March 17, 2023 19 (ECF No. 387), neither party filed their pretrial statement. Therefore, on March 20, 2023, the 20 Court ordered the parties to show cause within five days as to why sanctions should not be 21 imposed. (ECF No. 389.) 22 Defendant filed a response to the order to show cause, as well as the pretrial statement on 23 March 24, 2023. (ECF Nos. 390, 391.) Plaintiff has not responded to the order to show cause or 24 filed his pretrial statement.

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

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for Friday, April 7, 2023, at 9:30 a.m. and will proceed as scheduled. Defendant shall be prepared to propose a new trial date close to or near the current date of May 23, 2023. In addition, as stated in the January 18, 2023, scheduling order, Defendant is required to arrange for the participation of Plaintiff in the pretrial conference hearing and shall contact Courtroom Deputy, Victoria Gonzales, to receive instructions. (ECF No. 386 at 12.) After the pretrial conference hearing, the Court will proceed with the matter based on the filings set forth in the docket of this case.

IT IS SO ORDERED.

Dated: March 29, 2023

UNITED STATES MAGISTRATE JUDGE