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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

HERMAN D. SHEAD,

CASE NO. 1:09-cv-00006-AWI-SKO PC

Plaintiff,

ORDER REQUIRING PLAINTIFF TO SHOW  
CAUSE WHY ACTION SHOULD NOT BE  
DISMISSED, WITH PREJUDICE

v.

C/O VANG,

(Doc. 64)

Defendant.

FIFTEEN-DAY DEADLINE

\_\_\_\_\_ /

Plaintiff Herman D. Shead, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 5, 2009. On January 5, 2012, the Court issued the second scheduling order, which required Plaintiff to file his pretrial statement on or before July 9, 2012. Plaintiff was warned that the failure to comply may result in dismissal of this action. In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006). However, Plaintiff has not complied with or otherwise responded to the order.

Accordingly, it is HEREBY ORDERED that:

1. Within **fifteen (15) days** from the date of service of this order, Plaintiff shall show cause why this action should not be dismissed for failure to obey a court order and failure to prosecute;
2. Defendant is relieved of his obligation to file a pretrial statement pending further order; and

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3. **The failure to respond to this order will result in dismissal of this action, with prejudice.**

IT IS SO ORDERED.

**Dated: July 31, 2012**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**