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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANGEL H. HERNANDEZ,

CASE NO. 1:09-cv-00268-LJO-SKO PC

Plaintiff,

ORDER REQUIRING PLAINTIFF TO SHOW
CAUSE WHY ACTION SHOULD NOT BE
DISMISSED FOR FAILURE TO OBEY A
COURT ORDER AND FAILURE TO
PROSECUTE, AND RELIEVING
DEFENDANT OF OBLIGATION TO FILE
PRETRIAL STATEMENT

v.

CHRIS JORDAN, et al.,

Defendants.

(Doc. 49)

FIFTEEN-DAY DEADLINE

Plaintiff Angel H. Hernandez, a former prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 11, 2009. This action is set for jury trial on March 19, 2013, on Plaintiff’s claims against Defendant Costner for use of excessive force, in violation of the Fourteenth Amendment, and for negligence under California law. Plaintiff’s claims arise out of events which allegedly occurred at the Kings County Jail in Hanford, California in 2007.

Pursuant to the second scheduling order filed on July 16, 2012, Plaintiff’s pretrial statement was due on or before November 5, 2012. Plaintiff has not complied with the order and 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, with prejudice, for failure to obey a court order and failure to prosecute;

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- 2. Defendant is relieved of his obligation to file a pretrial statement pending resolution of this issue; and
- 3. Plaintiff's failure to file a response to this order, or Plaintiff's failure to show good cause in a response, will result in the dismissal of this action, with prejudice.

IT IS SO ORDERED.

Dated: November 28, 2012

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