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

LAMONT SHEPARD,	CASE NO. 1:09-cv-00809-LJO-BAM PC
Plaintiff,	ORDER STRIKING PLAINTIFF’S PRETRIAL STATEMENT
v.	(ECF. No.61)
T. QUILLEN, et al.,	
Defendants.	

Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s first amended complaint, filed September 16, 2010, against Defendant T. Quillen for excessive force in violation of the Eighth Amendment and J. Wise for retaliation in violation of the First Amendment. On March 31, 2011, a discovery and scheduling order issued and this action is currently in the discovery phase. Plaintiff filed a pretrial statement on November 16, 2011. The deadline for filing pretrial motions is February 9, 2012.

Once dispositive motions have been filed and ruled upon the Court will issue a scheduling order setting dates for the parties to file pretrial statements. Plaintiff’s pretrial statement, filed November 16, 2011, is premature and is **HEREBY ORDERED STRICKEN FROM THE RECORD.**

IT IS SO ORDERED.

<b>Dated: <u>November 18, 2011</u></b>	<b><u>/s/ Barbara A. McAuliffe</u></b> UNITED STATES MAGISTRATE JUDGE
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