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

THOMAS BLAKE KENNEDY,  
Plaintiff,  
v.  
F. GONZALEZ,  
Defendant.

Case No. 1:09-cv-01161-AWI-SKO (PC)  
**ORDER VACATING SETTLEMENT  
CONFERENCE SET FOR MAY 19, 2014,  
AND REQUIRING PLAINTIFF TO  
RESUBMIT CONFIDENTIAL  
SETTLEMENT CONFERENCE  
STATEMENT WITHIN SEVEN DAYS**  
(Doc. 76)

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Plaintiff Thomas Blake Kennedy, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 6, 2009. This action is set for jury trial on June 10, 2014, on Plaintiff's remaining damages claim against Defendant Gonzalez for violating Plaintiff's rights under the Eighth Amendment of the United States Constitution.

On April 21, 2014, the Court scheduled a settlement conference before the undersigned on May 19, 2014, at 9:30 a.m. The parties were ordered to submit confidential settlement conference statements on or before May 1, 2014. Defendant submitted his statement on May 1, 2014, and the Court received a letter from Plaintiff stating that he previously mailed his statement but neglected to address it to the undersigned.

To date, Plaintiff's settlement conference statement has not been received, and therefore, the settlement conference shall be vacated. Plaintiff is required to resubmit his confidential settlement conference statement within seven days, in compliance with the order filed on April 21,

1 2014. The Court will reschedule the settlement conference once it has reviewed Plaintiff's  
2 statement.

3 Accordingly, based on the foregoing, the Court HEREBY ORDERS as follows:

4 1. The settlement conference scheduled for May 19, 2014, at 9:30 a.m. in Courtroom  
5 9 is VACATED; and

6 2. Within **seven (7) days** from the date of service of this order, Plaintiff shall resubmit  
7 his confidential settlement conference statement in compliance with the order filed on April 21,  
8 2014.

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10 IT IS SO ORDERED.

11 Dated: May 6, 2014

  
UNITED STATES MAGISTRATE JUDGE

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