

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY ZUNIGA,

CASE NO. 1:09-cv-01208-AWI-BAM PC

Plaintiff,

v.

**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED**

CHRIS JORDAN, et al.,

(ECF No. 36)

Defendants.

FIFTEEN-DAY DEADLINE

Plaintiff Larry Zuniga ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 198. This action is proceeding on the complaint, filed July 13, 2009, against Defendants Berke, Torres, Henderson, and Jordan for excessive force in violation of the Eighth Amendment. This action is currently set for trial on February 28, 2012, before the Honorable Anthony W. Ishii. On December 2, 2011, Defendants filed a pretrial statement and moved to dismiss this action for Plaintiff's failure to file a pretrial statement in compliance with the Court's scheduling order.

On July 15, 2011, a scheduling order issued directing Plaintiff to file a pretrial statement on or before November 4, 2011. In the order Plaintiff was advised that failure to file a pretrial statement could result in the imposition of sanctions, including dismissal of this action. Plaintiff has failed to comply with or otherwise respond 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, with prejudice, for failure to obey the Court's order; and

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

IT IS SO ORDERED.

/s/ **Barbara A. McAuliffe**
UNITED STATES MAGISTRATE JUDGE