

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

WILLIAM P. GARCIA,

Plaintiff,

v.

KEN CLARK, et al.,

Defendants.

CASE NO. 1:10-cv-00447-LJO-DLB PC

ORDER VACATING TELEPHONIC TRIAL  
CONFIRMATION HEARING (ECF No. 74)

ORDER TO SHOW CAUSE REGARDING  
SECOND SCHEDULING ORDER

RESPONSE DUE FEBRUARY 4, 2013

\_\_\_\_\_ /

Plaintiff William P. Garcia (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint, filed May 24, 2010, against Defendants K. Allison, F. Diaz, D. Ibarra, S. Knight, C. Palmer, R. Santos, R. Tolson, K. Turner, and C. Walters for violation of the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, and the Religious Land Use and Institutionalized Persons Act of 2000.

On August 24, 2012, United States Magistrate Judge Dennis Beck issued a Second Scheduling Order. A telephonic trial confirmation hearing was scheduled for February 7, 2013 at 8:30 a.m. Plaintiff was provided until January 17, 2013 by which to file his pretrial statement in this matter. As of the date of this order, Plaintiff has failed to comply.

Accordingly, it is HEREBY ORDERED that

- 1. The telephonic trial confirmation hearing scheduled for February 7, 2013 is vacated; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. Plaintiff is to show cause by **February 4, 2013** why this action should not be dismissed for failure to obey a court order and failure to prosecute. No extension of time will be granted. If Plaintiff does not file a timely, substantive response, or fails to show good cause, this action will be dismissed.

IT IS SO ORDERED.

**Dated: January 29, 2013**      /s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE