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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT THOMAS,

Plaintiff,

v.

J. RAZO, et al.,

Defendants.

1:10cv02173 AWI DLB PC

ORDER TO SHOW CAUSE

JANUARY 8, 2014, DEADLINE

Plaintiff Robert Thomas (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on an Eighth Amendment excessive force claim against Defendants Razo, Moreno, Brown, Vera, Vasquez and Holguin.

Trial is currently set for February 25, 2014.

Pursuant to the April 8, 2013, Second Scheduling Order, a Telephonic Trial Confirmation Hearing is set for January 13, 2014. The order also required Plaintiff to file his pretrial statement, and any motions for the attendance of incarcerated witnesses, no later than December 16, 2013.¹ This date has passed and Plaintiff has not filed a pretrial statement or otherwise contacted the Court.

Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, if any he has, why this action should not be dismissed, with prejudice, for failure to follow a Court order and failure to prosecute. Plaintiff SHALL file a response to this order no later than **January 8, 2014**. Plaintiff may also

¹ The Court notes that this action was set for a Settlement Conference on December 20, 2013. Although the conference was ultimately vacated, the Court did not change the deadlines set by the April 8, 2013, Second Scheduling Order.

1 comply with this order by submitting his pretrial statement and any motions for the attendance of
2 incarcerated witnesses.

3 **The failure to comply with this order, or the failure to show good cause, will result in**
4 **dismissal of this action, with prejudice.**

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8 IT IS SO ORDERED.

9 Dated: December 30, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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