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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT THOMAS,)	1:10cv02173 AWI DLB PC
)	
Plaintiff,)	ORDER VACATING ORDER TO SHOW
)	CAUSE AND FINDINGS AND
vs.)	RECOMMENDATION
)	
J RAZO, et al.,)	(Documents 59 and 62)
)	
Defendants.)	

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.

On January 13, 2014, the Court vacated the Telephonic Trial Confirmation Hearing and trial date based on Plaintiff’s failure to file a pretrial statement, as well as his failure to respond to the December 30, 2013, Order to Show Cause.

On January 14, 2014, the Court issued Findings and Recommendations regarding dismissal of this action based on Plaintiff’s failure to respond to Court orders.

On January 23, 2014, Plaintiff filed a response to the Order to Show Cause. He states, under penalty of perjury, that he did not receive his legal mail until January 16, 2014. Plaintiff

1 also states that he believed that his pretrial statement was not due until the date of trial, and that it
2 was a given that his witnesses (i.e., Defendants) would be at trial.

3 In the interests of adjudicating cases on the merits, the Court VACATES the Order to
4 Show Cause and Findings and Recommendations. The Court will issue a separate order setting a
5 Telephonic Trial Confirmation Hearing and trial date, as well as dates by which the parties'
6 pretrial statements and other motions are due.

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9 IT IS SO ORDERED.

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11 Dated: January 29, 2014

/s/ Dennis L. Beck
12 UNITED STATES MAGISTRATE JUDGE