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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 WHY ACTION  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO FILE PRETRIAL STATEMENT**

**AUGUST 24, 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.

Defendants’ motion for summary judgment was denied on April 3, 2013. On April 8, 2013, the Court issued a Second Scheduling Order setting a telephonic trial confirmation hearing for January 13, 2014, with trial set for February 25, 2014.

On December 30, 2013, the Court issued an order to show cause why the action should not be dismissed after Plaintiff failed to file his pretrial statement in compliance with the April 8, 2013, Second Scheduling Order.

On January 14, 2014, the Court issued Findings and Recommendations that the action be dismissed based on Plaintiff’s failure to file a timely response to the order to show cause or otherwise communicate with the Court.

1 Plaintiff filed a response to the order to show cause January 23, 2014. He filed objections to  
2 the Findings and Recommendations on January 29, 2014.

3 On January 30, 2014, in the interest of adjudicating the action on the merits, the Court  
4 accepted Plaintiff's contention that that his mail was delayed and that he did not understand the need  
5 to file a pretrial statement.

6 On February 3, 2014, the Court issued an Amended Second Scheduling Order setting a  
7 telephonic trial confirmation hearing for September 2, 2014, and trial for October 15, 2014. The  
8 order required Plaintiff to file a pretrial statement, along with any motions for incarcerated  
9 witnesses, no later than August 5, 2014.

10 Plaintiff has again failed to file his pretrial statement or otherwise contact the Court.  
11 Plaintiff's February 12, 2014, consent to Magistrate Judge jurisdiction was his last communication  
12 with the Court.

13 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, if any he has, why this action  
14 should not be dismissed, with prejudice, for failure to follow a Court order and failure to prosecute.  
15 The Court notes that Plaintiff has been aware of the pretrial statement requirement since February 3,  
16 2014. The Court also notes that Plaintiff has repeatedly failed to follow orders in this action, and his  
17 failure to prosecute this action impacts the Court's ability to manage its caseload and control its  
18 docket.

19 Plaintiff SHALL file a response to this order no later than **August 24, 2014**.

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

22 IT IS SO ORDERED.

23  
24 Dated: August 14, 2014

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