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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 DISCHARGING ORDER
TO SHOW CAUSE
(Document 70)

ORDER SETTING NEW DATE FOR
TELEPHONIC TRIAL CONFIRMATION
HEARING

September 29, 2014, at 3:00 p.m.
Courtroom 2 (AWI)

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

On August 14, 2014, after Plaintiff failed to file his pretrial statement, the Court issued an order to show cause why the action should not be dismissed for failure to follow a Court order and failure to prosecute.

1 On August 22, 2014, the Court received Plaintiff's pretrial statement. The statement was
2 signed and dated August 5, 2014. Plaintiff has not filed any motions for attendance of incarcerated
3 witnesses.

4 Accordingly, the Court DISCHARGES the order to show cause.

5 The Court also VACATES the September 2, 2014, telephonic trial confirmation hearing date.
6 The telephonic trial confirmation hearing is now SET for **September 29, 2014, at 3:00 p.m. in**
7 **Courtroom 2.**

8 Defendants' pretrial statement SHALL be due no later than **September 15, 2014**. The
9 procedures outlined in the February 3, 2014, Amended Second Scheduling Order remain in effect.

10 IT IS SO ORDERED.

11
12 Dated: August 22, 2014

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