

1
2
3
4
5
6
7
8
9

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES CRANE,
Plaintiff,
v.
JAMES A. YATES, et al.,
Defendants.

1:10cv02373 LJO DLB PC
ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE DISMISSED
Order to Show Cause Hearing:
May 9, 2013
8:30 a.m.
Courtroom 4 (LJO)

10 Plaintiff James Crane (“Plaintiff”) is a California state prisoner proceeding pro se and in
11 forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on
12 Plaintiff’s Eighth Amendment excessive force claim against Defendant Aguirre. The telephonic trial
13 confirmation hearing is set for May 9, 2013, and trial is currently set for June 18, 2013.

14 On January 8, 2013, the Court issued a Second Scheduling Order directing Plaintiff to
15 file his pretrial statement on or before April 11, 2013. To date, Plaintiff has failed to comply.

16 Accordingly, Plaintiff shall show cause by WRITTEN response on or before April 25, 2013,
17 to this Order To Show Cause why this action should not be dismissed, with prejudice, for failure to
18 obey the Court’s order and for failure to prosecute. Whether the hearing on **May 9, 2013, at**
19 **8:30 a.m.** in Courtroom 4 (LJO) and/or the trial will go forward as scheduled will depend on the
20 response, if any. If a response, if any, does not show GOOD CAUSE, the matter will be dismissed.
21 At this point, the simple filing of the overdue pretrial statement will not be sufficient to get beyond
22 the needed good cause to avoid dismissal.

23
24
25 IT IS SO ORDERED.

26 Dated: April 16, 2013

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE