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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

 Plaintiff,

 v.

LEWIS, et al.,

 Defendants.

Case No. 1:11-cv-01565 LJO-DLB PC

**ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY THIS ACTION SHOULD NOT
BE DISMISSED FOR FAILURE TO APPEAR
AT MANDATORY TELEPHONIC TRIAL
CONFIRMATION HEARING**

TEN DAY DEADLINE

Plaintiff Durrell Anthony Puckett (“Plaintiff”) is proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Pursuant to the July 25, 2013, Second Scheduling Order, this matter is set for trial on January 7, 2014. The action is proceeding on (1) an Eighth Amendment excessive force claim against Defendants Keener, Johnson, and Guajardo; and (2) a retaliation claim against Defendant Keener.

On December 6, 2013, the Court held the mandatory Telephonic Trial Confirmation Hearing before the Honorable Lawrence J. O’Neill, United States District Court Judge.¹ Mitchell Wrosch appeared telephonically on behalf of Defendants. Plaintiff did not appear.

Counsel for Defendants indicated to the Court that he made numerous attempts to secure Plaintiff’s telephonic appearance. Neither the Court nor Counsel has any indication why Plaintiff failed to appear.

¹ The hearing was set by order dated July 25, 2013, some five months ago.

1 It is Plaintiff's burden to prosecute this action. Accordingly, based on Plaintiff's failure to
2 attend the mandatory Telephonic Trial Confirmation Hearing without explanation, Plaintiff is
3 ORDERED TO SHOW CAUSE, if any he has, why this action should not be dismissed. Plaintiff
4 must file a response to this order within ten calendar days from the date of service of this order.

5 Plaintiff must provide a declaration setting forth, in detail, why he failed to appear at today's
6 hearing. If Plaintiff has a medical issue that prevented his appearance, he must submit a declaration
7 from a medical professional on the issue of competence and/or medical records to support his claim.

8 If Plaintiff fails to submit appropriate documentation to support his failure to appear within
9 ten calendar days, the Court will dismiss this action.

10 Trial remains set for January 7, 2014.

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13 IT IS SO ORDERED.

14 Dated: December 6, 2013

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