1 2 3 4 5		
6		
7 8	UNITED STAT	'ES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	MICHAEL STEVEN KING,	) Case No.: 1:14-cv-00111-LJO-SAB (PC)
12	Plaintiff,	) ) ) ORDER REQUIRING PLAINTIFF TO SHOW
13	v.	CAUSE WITHIN <b>TEN</b> (10) <b>DAYS</b> WHY TERMINATING SANCTIONS SHOULD NOT BE
14	S. DEATHRIAGE, et al.,	) IMPOSED FOR FAILURE TO COMPLY WITH ) THE COURT'S SCHEDULING ORDER
15	Defendants.	) ) (Doc. No. 47)
16		) )
17	Plaintiff Michael Steven King is appearing pro se and in forma pauperis in this civil rights	
18	action pursuant to 42 U.S.C. § 1983. This case proceeds to a jury trial on Plaintiff's claims against	
19	Defendants Deathriage, Martinez, and Briones for excessive force in violation of the Eighth	
20	Amendment. The matter is set for a telephonic trial confirmation hearing on March 23, 2017, and a	
21	jury trial on May 16, 2017.	
22	On September 26, 2016, the Court issued the Second Scheduling Order, which required	
23	Plaintiff to serve and file a pretrial statement on or before February 21, 2017. (Doc. No. 47.) Plaintiff	
24	failed to comply with the Court's order to file a pretrial statement. <sup>1</sup> On February 28, 2017, Defendants	
25		
26	<sup>1</sup> On January 9, 2017. Plaintiff filed a motion for the attendance of witnesses who agree to testify voluntarily (Doc. No. 52), and a motion to compel, (Doc. No. 53). More recently, on February 21, 2017, Plaintiff filed a notice and motion for an expert witness, (Doc. 59), and on February 27, 2017, he filed a notice and motion for non-authorization or release of his medical records, (Doc. No. 60). None of those filings contain any mention of Plaintiff's filing of a pretrial statement. (Doc. No. 66.)	
27		
28		

1	filed their pretrial statement in compliance with the Court's order, confirming that they have not	
2	received any pretrial statement from Plaintiff, which has prejudiced them in fully preparing a complete	
3	pretrial statement. (Doc. No. 61, p. 11.)	
4	Accordingly, it is HEREBY ORDERED that:	
5	1. Within <b>ten</b> (10) <b>days</b> from the date of service of this order, Plaintiff shall show cause	
6	why this action should not be dismissed, with prejudice, for failure to obey the Court's	
7	order and Local Rules and for failure to prosecute this action; and	
8	2. <u>Plaintiff is warned that the failure to respond to this order or to show good cause</u>	
9	will result in dismissal of this action, with prejudice.	
10		
11	IT IS SO ORDERED.	
12	Dated: March 1, 2017 /s/ Lawrence J. O'Neill	
13	UNITED STATES CHIEF DISTRICT JUDGE	
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25 26		
26		
27		
28		
	2	