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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

AVERY HYPOLITE,	)	Case No.: 1:14-cv-01199-LJO-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER REQUIRING PLAINTIFF TO SHOW
v.	)	CAUSE WITHIN FIFTEEN DAYS WHY
	)	SANCTIONS SHOULD NOT BE IMPOSED FOR
R. ZAMORA,	)	FAILURE TO COMPLY WITH THE COURT'S
	)	SCHEDULING ORDER
Defendant.	)	
	)	[ECF No. 59]
	)	

Plaintiff Avery Hypolite is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff's claim against Defendant R. Zamora for use of excessive force in violation of the Eighth Amendment, and is set for a telephonic trial confirmation hearing on April 13, 2017, and a jury trial on May 23, 2017.

On November 4, 2016, the Court issued the Second Scheduling Order, which required Plaintiff to file a pretrial statement on or before February 13, 2017. Plaintiff failed to comply with the Court's order to file a pretrial statement.<sup>1</sup> Accordingly, it is **HEREBY ORDERED** that:

1. Within **fifteen (15) days** from the date of service of this order, Plaintiff shall show cause sanctions should not be imposed for failing to comply with the scheduling order; and

<sup>1</sup> On February 8, 2017, Plaintiff filed a motion for the attendance of incarcerated witnesses as required by the Second Scheduling Order; however, there is no mention of the filing of a pretrial statement. (ECF No. 66.)

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2. The failure to respond to this order will result in dismissal of this action, with prejudice.

IT IS SO ORDERED.

Dated: February 23, 2017

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