

1 communicate with the Court. Accordingly, on April 18, 2019, the Court issued an order for
2 Plaintiff to show cause why this action should not be dismissed for failure to comply with a court
3 order and for failure to prosecute. (ECF No. 62.) Plaintiff's response is due on or before May 6,
4 2019. (Id.)

5 On April 22, 2019, in lieu of filing a pretrial statement, Defendant filed a motion to
6 dismiss due to Plaintiff's failure to prosecute. (ECF No. 63.) As Defendant acknowledges, the
7 Court's April 18, 2019 order to show cause did not expressly discharge Defendant's obligation to
8 file a pretrial statement by April 22, 2019. (Id. at 2, n.1.) Defendant argues that he will be
9 "extraordinarily prejudiced" if he is required to file a pretrial statement, given Plaintiff's failure to
10 do so. (Id. at 1.)

11 The Court disagrees. While Defendant may be prejudiced to some degree in his trial
12 preparation, Plaintiff's failure to file a pretrial statement does not completely preclude him from
13 preparing and filing his own pretrial statement, to the best of his abilities. As Defendant has not
14 requested an extension of time to file his pretrial statement, and the May 6, 2019 telephonic trial
15 confirmation hearing remains on calendar, the Court finds it would be beneficial for Defendant to
16 submit the required pretrial statement.

17 Accordingly, Defendant is **HEREBY ORDERED** to show cause by written response
18 regarding Defendant's failure to obey the Court's scheduling order, or to submit his pretrial
19 statement. Defendant's response or pretrial statement is due within **seven (7) days** from the date
20 of service of this order.

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22 IT IS SO ORDERED.

23 Dated: April 23, 2019

24 /s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE
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