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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSE ROBERTO ZAIZA,

12 Plaintiff,

13 v.

14 C. GUTHRIE, et al.,

15 Defendants.
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CASE No. 1:16-cv-01862-LJO-JLT (PC)

ORDER

**(1) DISCHARGING ORDER TO SHOW
CAUSE;**

**(2) DENYING PLAINTIFF'S MOTION
FOR EXTENSION OF TIME; AND**

**(3) DENYING AS MOOT REQUEST FOR
A SETTLEMENT CONFERENCE**

(ECF Nos. 35, 37)

20 On September 5, 2018, the Court ordered the plaintiff to show cause why this action should not
21 be dismissed for plaintiff's failure to file his pretrial statement. Alternatively, the Court ordered the
22 plaintiff to file the pretrial statement.

23 Plaintiff has now filed a motion for extension of time to file his pretrial statement because he
24 claims he was recently transferred to another institution and he "is having difficulties in getting into the
25 prison's law library." (ECF No. 37.) While the docket reflects a Notice of Change of Address was filed
26 on August 30, 2018, plaintiff does not explain why he was unable to meet the original August 16, 2018,
27 filing deadline for the pretrial statement. Thus, there is not good cause to grant plaintiff's motion.
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1 Plaintiff has also filed a document requesting a settlement, which the Court construes as a motion
2 for a settlement conference. (ECF No. 35.) Because this matter is already set for a settlement conference
3 on October 5, 2018, plaintiff's motion is denied as moot. Accordingly, the Court **ORDERS**:

- 4 1. The September 5, 2018, Order to Show Cause (ECF No. 31) is **DISCHARGED**;
- 5 2. Plaintiff's motion for extension of time (ECF No. 37) is **DENIED**;
- 6 3. Plaintiff **SHALL** file his pretrial statement on or before September 26, 2018. **Plaintiff's**
7 **failure to comply with this deadline may result in a recommendation that this action be**
8 **dismissed for failure to comply with a court order and failure to prosecute.** Defendants
9 shall file their pretrial statement on or before October 5, 2018;
- 10 4. Plaintiff's motion for a settlement conference (ECF No. 35) is **DENIED** as moot; and
- 11 5. The Clerk of Court shall provide via fax or email a copy of this order to the Litigation
12 Coordinator at California State Prison in Corcoran, California for personal delivery to the
13 plaintiff.

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15 IT IS SO ORDERED.

16 Dated: September 20, 2018

/s/ Jennifer L. Thurston
17 UNITED STATES MAGISTRATE JUDGE
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