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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDDIE YOUNG,

Plaintiff,

No. CIV S-01-2360 LKK GGH P

vs.

R. MANDEVILLE, et al.,

Defendants.

ORDER

\_\_\_\_\_/

Defendants have requested an extension of time for the filing of their pretrial statement (currently due by April 20, 2009), averring that plaintiff has failed to file his (overdue after April 6, 2009). Although plaintiff submitted a document that he entitled in part “pretrial statement,” nearly two years ago, on August 20, 2007 (docket # 129), a significant amount of his focus in that document appears to have been on parties who have since been dismissed from this action (see Order, filed on March 26, 2009). In addition, although plaintiff in a separate filing, on August 20, 2007 (docket # 128), identified three potential inmate witnesses, he indicates that he only knows that one would testify voluntarily and is either not sure or does not address that aspect with regard to the other two. Nor do the filings otherwise conform to the requirements of a pretrial order, for example, plaintiff fails therein, inter alia, to identify any exhibits which he seeks to present at trial.

1           The pretrial conference (April 27, 2009) and trial (September 15, 2009) dates in  
2 this matter have been set and confirmed in two previous orders (see Orders, filed on March 16,  
3 2009, and on March 26, 2009), and the court's calendar will not permit a significant extension in  
4 this case, originally filed nearly eight years ago.

5           Accordingly, IT IS HEREBY ORDERED that:

6           1. Defendants' request for an extension of time to file their pretrial statement,  
7 filed on April 15, 2009 (docket # 150) is granted to this extent: plaintiff must file his amended  
8 pretrial statement by no later than April 27, 2009;

9           2. Notwithstanding, defendants will have only one week, following the filing of  
10 an amended pretrial statement by plaintiff or the expiration of his time to do so, to file their  
11 pretrial statement, which must be filed on or before May 4, 2009. The pretrial conference date is  
12 continued until May 8, 2009;

13           2. There will be no further extension; should plaintiff fail to file an amended  
14 pretrial statement timely, the court will proceed with his current defective pretrial statement in  
15 fashioning the Pretrial Order, which will, inter alia, limit plaintiff's potential witness list and  
16 preclude plaintiff from presenting exhibits at trial;

17           3. Should defendants fail to file their pretrial statement on time, severe sanctions,  
18 from witness preclusion up to and including entry of a default judgment, will be imposed upon  
19 defendants.

20 DATED: April 17, 2009.

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

22 GGH:009  
23 youn2360.ord