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

MICHAEL B. DAVENPORT,

Plaintiff,

No. CIV S-04-0413 MCE KJM P

vs.

R. MCKEAN, et al.,

Defendants.

ORDER

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On February 22, 2010, the court dismissed this matter because plaintiff did not appear for trial and as a sanction for plaintiff's failure to file a trial brief. On February 23, 2010, plaintiff filed a document in which he indicates that he has been in Los Angeles County Jail custody since February 4, 2010. He asks that the court stay this matter until he is released from custody.


As indicated above, this matter has already been dismissed. Plaintiff has not shown good cause for the court to re-open this matter because he has not provided a valid excuse for waiting as long as he did to inform the court that he is in police custody. Also, he still has not demonstrated any acceptable excuse for his failure to file his trial brief in a timely fashion.

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1 For all the foregoing reasons, IT IS HEREBY ORDERED that plaintiff's
2 February 23, 2010 request that this matter be postponed until plaintiff is released from custody is
3 denied.

4 Dated: March 9, 2010

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7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
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