

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MICHAEL LENOIR SMITH,

Plaintiff,

No. CIV S-05-1257 GEB KJM P

vs.

STATE OF CALIFORNIA, et al.,

Defendant.

ORDER

_____/

The district court judge assigned to this case recently granted in part and denied in part defendants' motion for summary judgment. See Docket Entry #73. Because the court dismissed some of plaintiff's claims, the court will order plaintiff to file an amended pretrial statement. Plaintiff's failure to file an amended pretrial statement will result in a recommendation that this action be dismissed without prejudice.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff file an amended pretrial statement within thirty days; and
2. Defendants file their pretrial statement within twenty days of service of plaintiff's statement.

DATED: February 11, 2009.

1/smit1257.pts



U.S. MAGISTRATE JUDGE