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

THOMAS CLINTON,  
Plaintiff,

No. 2:05-cv-1600-JAM-CMK-P

vs.

ORDER

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,  
Defendants.

\_\_\_\_\_/

Plaintiff, a former state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On January 11, 2016, the court issued a further scheduling order, setting this case for trial and setting forth deadlines for filing pretrial statements. Plaintiff was directed to file a pretrial statement on or before March 7, 2016; defendant was directed to file a pretrial statement on or before March 21, 2016. The parties were warned that failure to comply with any portion of that order may result in the imposition of appropriate sanctions, including dismissal of the entire action. See Local Rule 110. Defendant’s pretrial statement was filed on March 21, 2016; but no pretrial statement has been received from plaintiff.

Given the lack of plaintiff’s pretrial statement, the court has no choice but to continue the trial date. Therefore, the trial set for May 16, 2016, will be continued to August 29,

1 2016, at 9:00 AM in Courtroom 6 before District Judge John A. Mendez.

2 In addition, plaintiff will be required to show cause in writing, within 30 days of  
3 the date of this order, why this action should not be dismissed for failure to file a pretrial  
4 statement as directed. Plaintiff is again warned that failure to respond to this order may result in  
5 dismissal of the action for the reasons outlined above, as well as for failure to prosecute and  
6 comply with court rules and orders. See id.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. The trial date of May 16, 2016, is vacated and the trial reset for August 29,  
9 2016, at 9:00 AM in Courtroom 6 before the Honorable Judge John A. Mendez, 14th floor,  
10 United States District Court, Eastern District of California, 501 I Street, Sacramento, California;  
11 and

12 2. Plaintiff shall show cause in writing, within 30 days of the date of this  
13 order, why this action should not be dismissed for failure to file a pretrial statement as directed.

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15 DATED: April 8, 2016

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17 **CRAIG M. KELLISON**  
18 UNITED STATES MAGISTRATE JUDGE  
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