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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10   CLIFTON JEROME MCDANIEL,

11   Plaintiff,   No. CIV S-07-1189 LEW JFM P

12   vs.

13   S. HUBBARD, et al.,

14   Defendants.   ORDER

15   _____/

16   Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to

17   42 U.S.C. § 1983. In defendants' pretrial statement, defendants contend plaintiff failed to file a

18   pretrial statement and request the court order plaintiff to file a pretrial statement that complies

19   with Local Rule 16-281and allow defendants an opportunity to file an amended pretrial

20   statement.

21   On November 13, 2008, plaintiff filed a document entitled "Plaintiff's Notice of

22   Court Ordered Trial Brief," and a motion for attendance of incarcerated witnesses who refuse to

23   testify voluntarily. The trial brief contains plaintiff's statement of facts and points of law, but

24   does not contain the pertinent parts of the pretrial statement as required by Local Rule 16-281.

25   Plaintiff will be directed to file a pretrial statement that complies with Local Rule 16-281, but

26   need only provide those portions not provided in his November 13, 2008 filing. Plaintiff is

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1 cautioned that failure to comply with this order will result in a recommendation that this action

2 be dismissed. Plaintiff need not renew his motion for attendance of witnesses; the court will

3 address plaintiff's pending motion in the pretrial order.

4   Accordingly, IT IS HEREBY ORDERED that:

5   1. Within twenty days from the date of this order, plaintiff shall file a pretrial

6 statement that complies with Local Rule 16-281.

7   2. The Clerk of the Court is directed to send plaintiff a copy of Local Rule 16-

8 281.

9   3. Within ten days from the date plaintiff files his pretrial statement, defendants

10 shall file an amended pretrial statement.

11   4. Pretrial conference (as described in Local Rule 16-282) is reset in this case for

12 March 9, 2009, before the magistrate judge. The pretrial conference shall be conducted on the

13 file only, without appearance by either party.

14 DATED: February 3, 2009.

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16 _____
   UNITED STATES MAGISTRATE JUDGE

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