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

CHARLES E. WALKER,

Plaintiff,

No. CIV S-07-2545 MCE DAD P

vs.

A. KARELAS,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. By scheduling order filed September 21, 2009, plaintiff was advised of the requirement that he file and serve a pretrial statement, as well as of the matters that must be addressed therein.

When the deadline for the filing of plaintiff's pretrial statement passed without the required filing, on July 19, 2010, the court issued an order to show cause. On July 28, 2010, plaintiff responded by explaining that his failure to file a pretrial statement stemmed from his recent transfer with an assurance that his pretrial statement was forthcoming. Accordingly, on July 29, 2010 the court discharged the order to show cause and granted plaintiff an additional thirty days to file his pretrial statement. On August 26, 2010, in response to further requests filed by plaintiff the court ordered plaintiff to file and serve a proper pretrial statement in this action

1 by September 13, 2010 and advised him once again of the required contents of that filing.
2 Nonetheless, as of the date of this order, plaintiff has still not filed and served a proper pretrial
3 statement in this action.¹

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff shall file a written statement within twenty-eight days of the date of
6 this order as to why the court should not impose sanctions on him for his failure to respond to the
7 court's August 26, 2010 order; and

8 2. Plaintiff shall file and serve his pretrial statement on or before October 29,
9 2010; plaintiff is further cautioned that, in light of his delay as set forth above, no further
10 extensions of time shall be granted for this purpose and that his failure to file and serve a proper
11 pretrial statement will result in a recommendation that this case be dismissed. See Fed. R. Civ.
12 P. 41(b).

13 DATED: October 5, 2010.

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16 _____
17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

17 DAD:sj
18 walk2545.pts.osc

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26 ¹ On September 23, 2010, the assigned District Judge continued the jury trial in this action
to February 28, 2011.