

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS HIGHTOWER,
Plaintiff,

v.

W. PATTON,
Defendant.

No. 2:08-cv-0228-MCE-EFB P

ORDER TO SHOW CAUSE

Plaintiff is a former state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Trial is set to begin on Tuesday, May 26, 2015. In preparation for trial, the court ordered plaintiff to file a trial brief and proposed voir dire no later than May 12, 2015. ECF No. 181 at 6. To date, the court has not received either item from plaintiff. The court also ordered plaintiff to file a statement of the case, jury instructions, and verdict forms jointly with defendant. *Id.* at 4-5. Defendant has filed these items, indicating that plaintiff was not available to meet and confer to prepare them jointly.¹ ECF Nos. 192, 194, 195.

Accordingly, plaintiff is ORDERED to show cause no later than May 22, 2015 why this action should not be dismissed for plaintiff's failure to prosecute it. Fed. R. Civ. P. 41(b).

¹ It appears that, since his release from prison on February 17, 2015 (ECF No. 185), plaintiff may have decided to abandon this action. The court wishes to avoid the potentially unnecessary expense of calling a jury venire and bringing in the parties and witnesses for a trial plaintiff may no longer wish to pursue.

1 Failure to respond to this order on or before that date will result in dismissal of this action.

2 IT IS SO ORDERED.

3 Dated: May 13, 2015

4 

5 MORRISON C. ENGLAND, JR., CHIEF JUDGE
6 UNITED STATES DISTRICT COURT

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28