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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT SOLOMON,  
  
                                Plaintiff,  
  
                        v.  
  
T. FELKER, et al.,  
  
                                Defendants.

No. 2: 08-cv-2544 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On September 11, 2015, the court ordered plaintiff to show cause within fourteen days for his failure to file a pretrial statement. (ECF No. 171.)

On September 28, 2015, plaintiff filed a motion to “vacate” this action until the Ninth Circuit rules on his appeal. (ECF No. 173.) On September 15, 2015, the Ninth Circuit Court of Appeals dismissed plaintiff’s appeal. (ECF No. 172.) For this reason, plaintiff’s motion to “vacate,” or stay this action, pending the Ninth Circuit’s disposition of his appeal is denied.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff’s motion to vacate this action (ECF No. 173) is denied;

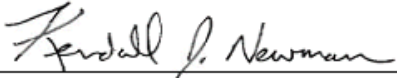
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2. Plaintiff shall file his pretrial statement within twenty-one days of the date of this order; failure to file a pretrial statement within that time will result in dismissal of this action.

Dated: September 30, 2015

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE