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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. The parties have consented to the jurisdiction of the undersigned. (ECF Nos. 8, 41.) For the following reasons, this action is dismissed for plaintiff’s failure to file a pretrial statement.

On June 19, 2015, the undersigned issued a further scheduling order directing plaintiff to file his pretrial statement on or before August 21, 2015. (ECF No. 162.) Plaintiff failed to file his pretrial statement on or before August 21, 2015. Accordingly, on September 11, 2015, the undersigned ordered plaintiff to show cause for his failure to file a pretrial statement. (ECF No. 171.)

In response to the September 11, 2015 order to show cause, on September 28, 2015, plaintiff filed a motion to “vacate” this action until the Ninth Circuit ruled on his appeal. (ECF No. 173.) On September 12, 2015, the Ninth Circuit dismissed plaintiff’s appeal. (ECF No.

1 172.) Accordingly, on October 1, 2015, the undersigned denied plaintiff's motion to vacate and
2 ordered plaintiff to file his pretrial statement within twenty-one days. (ECF No. 174.)

3 In response to the October 1, 2015 order, plaintiff filed a responsive pleading requesting
4 that this court and the Ninth Circuit review his case. (ECF No. 176.) Plaintiff also requested that
5 the undersigned recuse himself from this action. (Id.) On November 3, 2015, the undersigned
6 denied plaintiff's request for recusal and ordered plaintiff's pretrial statement due within twenty-
7 one days. (ECF No. 177.)

8 On December 3, 2015, plaintiff filed a motion for an extension of time to file his pretrial
9 statement. (ECF No. 178.) On December 9, 2015, the undersigned granted plaintiff's motion for
10 extension of time and ordered plaintiff's pretrial statement due within twenty-one days. (ECF
11 No. 179.) The undersigned warned plaintiff that no further requests for extensions of time would
12 be granted and that failure to file a pretrial statement may result in dismissal of this action. (Id.)

13 Twenty-one days passed from December 9, 2015 and plaintiff did not file a pretrial
14 statement or otherwise respond to the December 9, 2015 order. Accordingly, it is apparent that
15 plaintiff no longer wishes to pursue this matter or comply with court orders. Therefore, this
16 action is dismissed.

17 In accordance with the above, IT IS HEREBY ORDERED that:


18 1. This action is dismissed without prejudice based on plaintiff's failure to file a pretrial
19 statement. See Fed. R. Civ. P. 16(f); Local Rule 110.

20 2. The jury trial set for February 1, 2016, and all other dates before the undersigned are
21 vacated.

22 Dated: January 11, 2016

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE