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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATHAHN McELROY,
Plaintiff,
v.
GUSTAFSON,
Defendant.

No. 2:12-cv-1518-TLN-EFB P

ORDER


Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. His pretrial statement is long overdue. *See* ECF No. 115. On December 6, 2015, he prepared a certificate of service, representing to the court that he had mailed a pretrial statement for filing. ECF No. 118. The court, however, is not in receipt of it. In light of a misfiling in the Clerk’s Office, it is possible that the statement was misplaced.¹ In any event, on December 17, 2015, the court granted plaintiff an additional 21 days to submit his pretrial statement. ECF No. 119. In response, plaintiff states that he does not have a copy of the misplaced pretrial statement. ECF No. 121. Therefore, the court will grant plaintiff another 30

¹ On December 21, 2015, a notice was filed by a different plaintiff proceeding in a separate civil action stating that the Clerk had mailed to that plaintiff “a petition” bearing this case number and belonging to plaintiff Lathawn McElroy, the plaintiff herein. *See Maldonado v. Lizarraga*, Case No. 2:15-cv-2436-WBS-EFB, ECF No. 7. Thus, it is entirely possible that the confusion in the Clerk’s Office resulted in the misplacement of plaintiff McElroy’s pretrial statement.

1 days within which to prepare and file another pretrial statement. In light of the previous 21 days
2 in which a statement was not submitted, the court is not inclined to extend this time any further.

3 So ordered.

4 Dated: January 20, 2016.


5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE

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