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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

J. WRIGHT,

Defendant.

No. 2:15-cv-01645-TLN-EFB

ORDER TO SHOW CAUSE

On February 26, 2019, the Court issued a minute order setting trial in this matter for January 13, 2020. (ECF No. 134.) On December 3, 2019, the magistrate judge issued an Order and Writ of Habeas Corpus for Plaintiff Allen Hammler (“Plaintiff”) to be produced for the January 13 trial. (ECF No. 162.)

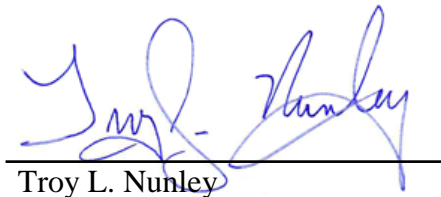
Nevertheless, three days before trial, this Court was notified by counsel for Defendant J. Wright (“Defendant”) that Plaintiff refused to board the transport vehicle designated to transport him from California State Prison-Corcoran to California State Prison-Folsom so that Plaintiff could be timely produced for trial in the instant Court. The Court also received independent confirmation of Plaintiff’s refusal to board the transport vehicle from the California Department of Corrections and Rehabilitation. As a result of his refusal to board the transport vehicle, it seems Plaintiff will not appear at trial on January 13, 2020.

Based on the foregoing, the Court hereby VACATES the January 13, 2020 trial date. Not

1 later than fourteen days from the date of electronic filing of this Order, Plaintiff is ordered to
2 show cause in writing as to why the above-captioned matter should not be dismissed with
3 prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute as a result of
4 Plaintiff's refusal to board the transportation vehicle and subsequent failure to appear at trial.
5 Plaintiff is further cautioned that a failure to comply with this order may result in sanctions,
6 including dismissal of this case for failure to prosecute.

7 IT IS SO ORDERED.

8 Dated: January 8, 2020

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12 Troy L. Nunley
13 United States District Judge
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