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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY PERKINS,
Plaintiff,
v.
A. ADAMS, et al.,
Defendants.

No. 2:16-cv-01791-JAM-CKD

ORDER

Plaintiff is a state inmate proceeding pro se and in forma pauperis in this federal civil rights action filed pursuant to 42 U.S.C. § 1983. On September 26, 2019 this court issued a further scheduling order requiring plaintiff and defendant Adams to file pretrial statements on or before December 11, 2019 and December 27, 2019, respectively. ECF No. 58. Plaintiff failed to submit a pretrial statement and, as a result, defendant Adams filed a motion to modify the scheduling order. ECF No. 61.

On December 27, 2019, the undersigned issued Findings and Recommendations that this action be dismissed based on plaintiff's failure to file his pretrial statement. ECF No. 62. After the Findings and Recommendations had issued, plaintiff filed a motion for an extension of time to file his pretrial statement. ECF No. 63.¹ Based on good cause shown for plaintiff's failure to file

¹ The motion was filed after the time to file plaintiff's pretrial statement had expired even utilizing the prison mailbox rule. See Houston v. Lack, 487 U.S. 266 (1988).

1 his pretrial statement, the court will vacate its December 27, 2019 Findings and
2 Recommendations and provide plaintiff one last opportunity to file a pretrial statement. Plaintiff
3 is once again cautioned that if he fails to file a pretrial statement, it will be recommended that this
4 case be dismissed for failing to prosecute and for failing to comply with the court's orders.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The December 27, 2019 Findings and Recommendations (ECF No. 62) are hereby
7 vacated.
- 8 2. Plaintiff's motion for an extension of time to file his pretrial statement (ECF No. 63) is
9 granted.
- 10 3. Plaintiff shall file and serve his separate pretrial statement on or before March 4, 2020
11 in accordance with the terms outlined in this court's Further Scheduling Order of
12 September 26, 2019.
- 13 4. Defendant Adams shall file and serve her separate pretrial statement on or before
14 March 25, 2020.

15 Dated: February 6, 2020

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18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE
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