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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DONNIE LUCKY CANTRELL,
Plaintiff,
v.
S. TYSON,
Defendant.

No. 2:19-CV-1192-TLN-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On January 31, 2022, the Court directed Plaintiff to file a pre-trial statement within 30 days. See ECF No. 56. As of March 23, 2022, Plaintiff had not complied, and the Court issued findings and recommendations that this action be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders. See ECF No. 58. Plaintiff filed objections on April 18, 2022. See ECF No. 59.

In his objections, Plaintiff states that he tested positive with the COVID-19 virus in “January and February,” was placed in quarantine and, as a result, he was unable to prepare and file his pre-trial statement within the time allowed therefor. In the interests of justice and providing Plaintiff a full and fair opportunity to present his case, the Court will vacate the March 23, 2022, findings and recommendations and provide Plaintiff additional time to file his pre-trial

1 statement.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations issued on March 23, 2022, are vacated;

4 and

5 2. Plaintiff shall file a pre-trial statement and any motions for the attendance
6 of incarcerated witnesses at trial within 30 days of the date of this order.

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8 Dated: June 24, 2022



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10 DENNIS M. COTA
11 UNITED STATES MAGISTRATE JUDGE

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