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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KENNETH DELGADO,

Plaintiff,

No. C 08-2556 PJH (PR)

vs.

**ORDER FOR PLAINTIFF TO  
SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED**

A. BARNES, T. WOOLF, B. JOHNSON,  
ELOY MEDINA,

Defendants.

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This is a civil rights case filed pro se by a state prisoner. The court granted defendant Medina's motion to dismiss and a motion for summary judgment filed by defendants Barnes, Woolf, and Johnson. Plaintiff appealed. The court of appeals affirmed most of the rulings, but reversed and remanded as to Barnes. The court reopened the case and referred it to Magistrate Judge Nandor Vadas for a settlement conference. Judge Vadas reports that he has been informed by officials at Salinas Valley State Prison that plaintiff refused to board the bus to transport him to Solano State Prison, where the settlement conference was to be held. The conference was canceled as a result.

The court has no information as to why plaintiff refused to board the bus, but is aware from similar incidents in other cases that prisoner litigants may believe that attending remote settlement conferences will have an unfavorable impact on their housing and job assignments and privileges upon return. On the present record, however, it appears that plaintiff has failed to prosecute his case, which can be grounds for dismissal.

Plaintiff shall show cause within twenty-eight days of the date of this order why the case should not be dismissed for failure to prosecute. He should support his response with a declaration (a statement signed under penalty of perjury) setting out any facts that he

**United States District Court**  
For the Northern District of California

1 contends are relevant to his refusal to participate in the settlement conference. Defendant  
2 Barnes may respond to the plaintiff's filing within fourteen days of the date it is filed. The  
3 court will then determine if the case should be dismissed. The clerk shall provide a copy of  
4 this order to Magistrate Judge Nandor Vadas in Eureka, California.

5 **IT IS SO ORDERED.**

6 Dated: August 3, 2012.



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PHYLLIS J. HAMILTON  
United States District Judge

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