

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BENNY ROUNDTREE, JR.,

CASE NO. 1:01-cv-06502-LJO-SMS PC

Plaintiff,

ORDER VACATING PRETRIAL
CONFERENCE SET BEFORE JUDGE
O'NEILL ON JANUARY 22, 2009, AND
CONFIRMING DATES SET IN AMENDED
SCHEDULING ORDER ARE STAYED
PENDING SETTLEMENT CONFERENCE

v.

DERRAL G. ADAMS, et al.,

Defendants.

(Docs. 183 and 187)

Pursuant to the amended scheduling order filed on February 28, 2008, the pretrial conference in this matter was set for January 22, 2009, and jury trial was set for April 20, 2009. On August 7, 2008, the undersigned issued an order staying all deadlines, and following a status conference held on September 18, 2008, all deadlines remain stayed pending further order of the Court.

Through administrative error, the pretrial conference was not vacated from Judge O'Neill's calendar and Plaintiff's counsel filed a status report on January 19, 2009, in response to a staff member's telephone reminder concerning the pretrial conference. The undersigned was requested by Judge O'Neill to address the matter following the submission of counsel's status report.

The parties are appearing before the Honorable Nandor J. Vadas on January 20, 2009, at 1:00 p.m. for a settlement conference and pursuant to the Court's order of December 3, 2008, Judge Vadas will be submitting a status report within twenty days of the settlement conference. Further action will be taken by the undersigned in this matter following receipt and review of Judge Vadas's settlement conference status report.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The pretrial conference set for January 22, 2009, at 8:15 a.m. before the Honorable
3 Lawrence J. O'Neill, is VACATED;
- 4 2. All dates, including jury trial, remain stayed pending the settlement conference and
5 submission of Judge Vadas's report; and
- 6 3. Further action via order will be taken by the undersigned following receipt and
7 review of Judge Vadas's settlement conference status report.
- 8

9 IT IS SO ORDERED.

10 **Dated: January 20, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE