

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

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VIET MIKE NGO,

Plaintiff,

1:04-cv 05301 OWW YNP GSA (PC)

vs.

SCOTT RAWERS, et al.,

ORDER REQUIRING STATUS REPORTS

Defendants.

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

On December 24, 2008, an order was entered, reassigning this action back to U.S. District Judge Oliver Wanger. There have been no dispositive motions filed.

Plaintiff and defendant shall therefore each submit to the court and serve by mail on all other parties the following status report:

1. Whether this matter is ready for trial and, if not, why not;
2. Whether additional discovery is deemed necessary. If further discovery is deemed necessary, the party desiring it shall state the nature and scope of the discovery and provide an estimate of the time needed in which to complete it;
3. Whether a pretrial motion is contemplated. If any such motion is

1 contemplated, the party intending to file it shall describe the type of motion and shall state the  
2 time needed both to file the motion and to complete the time schedule set forth in Local Rule 78-  
3 230(m);

4 4. A narrative statement of the facts that will be offered by oral or documentary  
5 evidence at trial;

6 5. A list of all exhibits to be offered into evidence at the trial of the case;

7 6. A list of the names and addresses of all witnesses the party intends to call;

8 7. A summary of the anticipated testimony of any witnesses who are presently  
9 incarcerated;

10 8. The time estimated for trial;

11 9. Whether either party still requests trial by jury; and

12 10. Any other matter, not covered above, which the party desires to call to the  
13 attention of the court.

14 The parties are informed that they may, if all consent, have this case tried by a  
15 United States Magistrate Judge while preserving their right to appeal to the Circuit Court of  
16 Appeal. An appropriate form for consent to trial by a magistrate judge is attached. Any party  
17 choosing to consent may complete the form and return it to the clerk of this court. Neither the  
18 magistrate judge nor the district judge handling the case will be notified of the filing of a consent  
19 form unless all parties to the action have consented.

20 In accordance with the above, IT IS HEREBY ORDERED that:

21 1. Plaintiff's status report shall be filed within thirty days from the date of service  
22 of this order. Defendants' status report shall be filed within thirty days thereafter. The parties are  
23 advised that failure to file a status report in accordance with this order may result in the  
24 imposition of sanctions, including dismissal of the action and preclusion of issues or witnesses.

25 2. The clerk of the court is directed to mail to all parties the form, "Consent to  
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1 Proceed Before United States Magistrate Judge," together with the instant order.

2  
3 IT IS SO ORDERED.

4 **Dated: September 10, 2009**

5 /s/ Gary S. Austin  
6 UNITED STATES MAGISTRATE JUDGE