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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARLOS HENDON,

1:05-cv-01247-AWI-GSA-PC

Plaintiff,

ORDER FOR PLAINTIFF AND DEFENDANT  
HOPPE TO FILE STATUS REPORTS WITHIN  
THIRTY DAYS

v.

BAROYA, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff Carlos Hendon (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on November 30, 2005. (Doc. 1.) This action now proceeds on Plaintiff’s Second Amended Complaint filed on June 26, 2008, against defendants Baroya, Pham, Nguyet, Hoppe, Griffin, and Reidman for subjecting him to cruel and unusual punishment in violation of the Eighth Amendment. (Doc. 18.) On September 30, 2009, the Court issued a scheduling order establishing pre-trial deadlines in this action for Plaintiff and the five defendants who had appeared in this action, defendants Baroya, Pham, Nguyet, Griffin, and Reidman. (Doc. 36.) At that time, defendant Hoppe had not been successfully served or appeared in this action. The pre-trial deadlines from the Court’s scheduling order have expired.

On September 10, 2010, the Court issued an order directing the United States Marshal to make another attempt to effect service upon defendant Hoppe. (Doc. 51.) Service was successful, and on December 3, 2010, defendant Hoppe appeared in this action by filing a joinder to Defendants’ motion

1 to declare Plaintiff a vexatious litigant. (Docs. 66, 69.) On July 8, 2011, the Court resolved Defendants'  
2 motion, and on August 1, 2011, defendant Hoppe answered the Second Amended Complaint. (Docs.  
3 70, 81.)

4 Service is now completed, and all of the defendants have appeared in this action. All of the  
5 defendants, except defendant Hoppe, have completed discovery. At this stage of the proceedings, the  
6 Court is prepared to issue an order commencing discovery between Plaintiff and defendant Hoppe. To  
7 assist with the schedule in this action, Plaintiff and defendant Hoppe shall each be required to file a  
8 status report in response to this order, notifying the Court of their need for discovery before trial. The  
9 parties are entitled to discovery. Fed. R. Civ. P. 26. However, in the event that the parties are amenable  
10 to a shortened time for discovery, the Court shall consider the parties' needs in determining the schedule  
11 for this action before trial.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Within thirty days from the date of service of this order, Plaintiff and defendant Hoppe  
14 shall each file a status report as instructed by this order; and
- 15 2. Failure to comply with this order may result in the imposition of sanctions.

16  
17 IT IS SO ORDERED.

18 **Dated: August 4, 2011**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE