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

DERRICK LEE BILLUPS,
Plaintiff,
vs.
LOMELI, Sargent,
Defendant.

CASE NO. CV F 06-1014 LJO PC
ORDER TO SET PRE-TRIAL CONFERENCE

_____ /
This action was initiated by plaintiff Derrick Lee Billups (“Mr. Billups”), a California state prisoner, against defendant Lomeli in August 2006. In 2010, Mr. Billups appealed the court’s grant of summary judgment in his 42 U.S.C. 1983 action alleging that Lomeli was deliberately indifferent to a serious risk to his safety. In March 2012, the appellate court reversed the summary judgment decision of the district court, finding that Mr. Billups has presented evidence that created a genuine issue of material fact as to whether Lomeli acted with deliberate indifference. The appellate court remanded the action for further proceedings.

On April 12, 2012, a settlement conference was scheduled to be held before United States Magistrate Judge Jennifer L. Thurston. The settlement conference was held on May 15, 2012. The case did not settled. On May 29, 2012, this action was reassigned to the below-signed United States District Judge.

On May 15, 2012, Lomeli filed a request for a trial date. For good cause appearing, this Court **SETS** a pre-trial conference in this action for **Wednesday, June 20, 2012**. The parties are **ORDERED** to file a joint pretrial statement no later than **June 13, 2012**. The parties may appear telephonically to the pretrial conference. To do so, the parties must arrange a one-line call and call the court at (559) 499-5680.

IT IS SO ORDERED.

Dated: May 30, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE