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

DERRICK LEE BILLUPS,

CASE NO. CV F 06-1014 LJO PC

Plaintiff,

ORDER AFTER JULY 27, 2012 HEARING

vs.

LOMELI, Sargent,

Defendant.

_____ /
This Court held a July 27, 2012 hearing in this action, which was initiated by plaintiff Derrick Lee Billups (“Mr. Billups”), a California state prisoner, against defendant Lomeli in August 2006. Mr. Billups is represented by counsel Jance Marshall Weberman (“Mr. Weberman”) of the Law Offices of Jance Marshall Weberman. At the hearing, this Court resolved several matters on the record. The Court’s ruling are preserved on the record. In addition, based on this Court’s rulings, this Court anticipates issuing an amended pretrial order, which may incorporate this Court’s ruling preserved on the record and set forth herein. In the interest of clarity, this Court sets forth some of this Court’s rulings at the July 27, 2012 hearing in this order.

On the basis of good cause this Court ORDERS as follows:

1. This Court GRANTS Mr. Billups’ request and consent to a substitution of attorney. Mr. Weberman is substituted out of this case and shall no longer appear as counsel of record on behalf of Mr. Billups. Mr. Billups is substituted as representing himself and shall

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proceed in propria persona unless and until another attorney files the appropriate document to substitute in as counsel of record to represent Mr. Billups.

2. The Court CONFIRMS the August 28, 2012 trial date in this matter. The substitution of counsel, without more, does not constitute good cause to continue this firm trial date.

3. This Court ACCEPTS Mr. Billups pre-trial statement, proposed voir dire, and proposed jury instructions that were filed with this Court on July 16, 2012.

4. Mr. Billups must file, **no later than August 3, 2012**, a motion for an appearance of incarcerated witness for each incarcerated witness that he listed on page 8 of his pre-trial statement for all potential witnesses that he plans to call who are incarcerated. The Attorney General's Office shall respond to those motions, if any, **no later than August 17, 2012**.

5. The parties shall exchange exhibits **no later than August 3, 2012**. In addition, the parties shall file a list of exhibits with this Court **no later than August 3, 2012**. Thereafter, the Court shall issue an amended pretrial order.

6. The parties shall file and serve motions in limine, if any, **no later than August 17, 2012**. The parties shall prepare an opposition to those motions, if any, and shall present those oppositions at the motions in limine hearing. The motions in limine hearing shall be set for **August 28, 2012 at 8:15 a.m.**

7. The Attorney General's Office is relieved on its obligation to meet and confer.

8. The defendant's motion in limine is GRANTED. No non-expert witnesses shall be allowed to give expert, medical testimony.

IT IS SO ORDERED.

Dated: July 27, 2012

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