

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE E. JACOBS IV,

Plaintiff,

VS.

C/O J. M. MARTINEZ,

C/O GERMAN, and

C/O NORTHCUTT,

Defendants.

1:06-cv-01280-AWI-EPG-PC

**ORDER VACATING ALL DATES
AND DEADLINES CURRENTLY
SCHEDULED IN THIS CASE**

VACATED

Telephonic Trial Confirmation

Hearing: January 11, 2016, at 3:00 p.m.
in Courtroom 2 (AWI)

Jury Trial: February 23, 2016, at 8:30 a.m.
in Courtroom 2 (AWI)

**ORDER SCHEDULING TELEPHONIC
STATUS CONFERENCE**

Telephonic Status Conference

May 16, 2015 at 1:30 p.m.

Courtroom 2 (AWI)

**ORDER FOR PLAINTIFF TO FILE
STATUS REPORT TWO WEEKS
BEFORE STATUS CONFERENCE**

George E. Jacobs IV ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action under 42 U.S.C. § 1983. This action now proceeds on Plaintiff's original Complaint filed on September 18, 2006, against defendants Correctional

1 Officer (C/O) J. M. Martinez, C/O German, and C/O Northcutt for use of excessive force,¹ in
2 violation of the Eighth Amendment.² (ECF No. 1.)

3 On November 25, 2015, Plaintiff filed a Notice informing the Court that he was
4 seriously injured during a prison riot on November 13, 2015. (ECF No. 172.) On December 2,
5 2015, the Court issued an order requiring Defendants to file a response to Plaintiff's Notice and
6 make an assessment of the viability of proceeding with the currently set dates and deadlines
7 scheduled for this case. (ECF No. 173.) On December 3, 2015, Defendants filed a response
8 and explained that, in light of Plaintiff's injuries, modification of the trial-related dates and
9 deadlines is necessary. (ECF No. 174.) The Court agrees. Therefore, the Court will vacate all
10 of the dates and deadlines currently scheduled in this case.

11 Because of the Court's congested 2016 trial calendar, a telephonic status conference
12 will be scheduled for May 16, 2015. In preparation for this status conference, Plaintiff shall be
13 required to file a status report two weeks before the telephonic status conference. As part of his
14 status report, Plaintiff should include any relevant documentation that describes his then
15 existing physical/medical condition.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. All dates and deadlines currently scheduled in this case are VACATED;

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20 ¹ Doe Defendants 3, 4, 6, 7, 8, 9, and 10 have not been identified by Plaintiff for service of
21 process, and are subject to dismissal.

22 ² On June 4, 2007, the following claims and defendants were dismissed: Plaintiff's claims arising
23 from the issuance of the memorandum on January 26, 2005; Plaintiff's excessive force claim against Defendant
24 Doe 14, based on the yanking of his handcuff chain on February 19, 2005; Plaintiff's medical care claim against
25 Defendant Doe 5; Plaintiff's claim arising from the conditions of the management cell; Plaintiff's retaliation claim;
26 Plaintiff's conspiracy claim; Plaintiff's state law tort claims, other than his claims for assault and battery and
27 intentional infliction of emotional distress against Defendants Martinez, German, Northcutt, and Does 1 and 2
28 arising from the incident of excessive force on January 26, 2005. (ECF No. 17.) All of the above claims were
dismissed with prejudice for failure to state a claim. Defendants Scribner, Watson, Ortiz, Lowden, Ruiz and Does
5 and 11-14 were dismissed from this action based on Plaintiff's failure to state any claims upon which relief may
be granted against them. (*Id.*) On November 16, 2009, summary judgment was granted to Defendants on
Plaintiff's claims against Defendants Martinez, German, and Northcutt for assault and battery and intentional
infliction of emotional distress. (ECF No. 101.) On August 26, 2015, summary judgment was granted to
Defendants on Plaintiff's medical claim against defendant Martinez, and Defendants Does 1 and 2 were dismissed
for Plaintiff's failure to prosecute against them. (ECF No. 157.)

1 2. The telephonic trial confirmation hearing scheduled in this case on January 11,
2 2016 at 3:00 p.m. is VACATED from the Court's calendar;
3 3. The trial for this case, scheduled to commence on February 23, 2016 at 8:30
4 a.m., is VACATED from the Court's calendar;
5 4. This matter is set for a telephonic status conference on **May 16, 2015 at 1:30**
6 **p.m.;**
7 5. Counsel for Defendants is required to arrange for the participation of Plaintiff in
8 the telephonic trial confirmation hearing and to initiate the telephonic hearing at
9 **(559) 499-5669**; and
10 6. Two weeks before the May 16, 2015 telephonic status conference, Plaintiff shall
11 file a status report that: (1) discusses the status of this case and his then existing
12 physical/medical condition, and (2) includes any relevant documentation of his
13 physical condition.

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15 IT IS SO ORDERED.

16 Dated: December 3, 2015



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SENIOR DISTRICT JUDGE