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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEROY DEWITT HUNTER,
Plaintiff,

v.

DONNY YOUNGBLOOD, et al.,
Defendants.

CASE NO. 1:07-cv-01126-AWI-SKO PC

ORDER (1) AMENDING SCHEDULING ORDER, (2) REQUIRING DEFENDANT TO NOTIFY COURT WITHIN FIFTEEN DAYS WHETHER HE WISHES TO EITHER WITHDRAW OR STAND BY PENDING MOTION FOR SUMMARY JUDGMENT, AND (3) REQUIRING PARTIES TO MEET AND CONFER AND NOTIFY PRO BONO PROGRAM DIRECTOR WITHIN THIRTY DAYS WHETHER THEY WOULD LIKE TO PARTICIPATE IN SETTLEMENT WEEK

(Doc. 69)

Discovery Deadline: 07/19/2013
Pretrial Dispositive Motion Deadline: 09/19/2013

_____ /

Plaintiff Leroy Dewitt Hunter, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 3, 2007. This action is proceeding on Plaintiff’s second amended complaint, filed on December 16, 2010, against Defendant Parker, a Kern County Sheriff’s Deputy, for use of excessive physical force, in violation of the Due Process Clause of the Fourteenth Amendment.¹ On June 27, 2012, the Court appointed counsel to represent Plaintiff in light of his medical condition, and pending before the Court is Plaintiff’s third status report.

Based on counsel’s investigation to date, the scheduling order shall be amended to allow both parties to conduct further discovery and file pretrial dispositive motions. To that end, Defendant

¹ It appears Plaintiff was a pretrial detainee at the time of the incident.

1 shall notify the Court whether he would like to either withdraw his pending motion for summary
2 judgment and re-file it later pending further discovery on his part or stand by the motion presently
3 pending.

4 Further, the parties shall meet and confer to determine whether they believe participation in
5 a settlement conference would be beneficial. During the entire week of June 10, 2013, the Eastern
6 District of California, Fresno and Sacramento Divisions, is hosting Settlement Week, during which
7 judges and volunteer mediators will conduct settlement conferences and mediation sessions at no
8 charge to the parties. After meeting and conferring, the parties shall contact Pro Bono Program
9 Director Sujean Park at (916) 930-4278 or spark@caed.uscourts.gov and inform her whether they
10 would like to participate in Settlement Week.

11 Based on the foregoing, it is HEREBY ORDERED that:

- 12 1. The deadline for the completion of all discovery is extended to July 19, 2013;
- 13 2. The deadline for filing pretrial dispositive motions is extended to September
14 19, 2013;
- 15 3. Within **fifteen (15) days** from the date of service of this order, Defendant
16 shall notify the Court whether he would like to either withdraw his motion for
17 summary judgment pending further discovery or stand by his motion filed on
18 February 9, 2012; and
- 19 4. Within **thirty (30) days** from the date of service of this order, the parties
20 shall meet and confer regarding participation in Settlement Week and notify
21 Pro Bono Program Sujean Park whether they believe participation would be
22 beneficial.

23
24 IT IS SO ORDERED.

25 **Dated: March 5, 2013**

26 **/s/ Sheila K. Oberto**
27 **UNITED STATES MAGISTRATE JUDGE**
28