UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER S. RIDER,

Plaintiff,

v.

YATES, et al.,

Defendants.

/

CASE NO. 1:07-cv-01516-GBC (PC)

ORDER VACATING TELEPHONIC TRIAL CONFIRMATION HEARING
(Doc. 57)

Telephonic Trial Confirmation Hearing: VACATED

ORDER DIRECTING PLAINTIFF TO CLARIFY PRETRIAL STATEMENT REGARDING INTENTION TO CALL WITNESSES
(Doc. 60)

ORDER DENYING MOTION FOR SETTLEMENT
(Doc. 63)

Telephonic Trial Confirmation Hearing

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Christopher S. Rider ("Plaintiff"), a state prisoner proceeding pro se. This matter is currently set for a telephonic trial confirmation hearing before the undersigned on January 18, 2011, at 10:00 a.m. in Courtroom 7. The telephonic trial confirmation hearing scheduled for January 18, 2011 is HEREBY VACATED. The pretrial order will be based on the parties' pretrial statements and relevant motions filed by the parties.

Clarification Regarding Plaintiff's Intention to Call Witnesses

On July 15, 2010, Plaintiff submitted a pretrial statement which indicated his desire to call witnesses. However, it is unclear to the Court whether Plaintiff intends to call only the Defendants'

witnesses. The Court reminds Plaintiff that the second scheduling order sent on May 12, 2010, describes necessary actions that the Plaintiff must take if he wishes to call incarcerated witnesses or involuntary witnesses and the deadlines that the Plaintiff needed to meet in order to be allowed to call such witnesses. Therefore, the Court DIRECTS Plaintiff to submit a statement clarifying whether he plans to call witnesses only from those which the Defendants call or whether the Plaintiff wishes to call additional incarcerated or involuntary witnesses within twenty (20) days from the date of service of this order.

Request for Five Million Dollar Settlement

On October 20, 2010, Plaintiff filed a motion indicating his willingness to settle the case for $5,000,000.00. Plaintiff indicated that Defendants have not responded to his settlement offer. Plaintiff's motion for settlement is DENIED. Such denial, however, does not preclude the parties from engaging in settlement negotiations on their own initiative.

Accordingly, it is HEREBY ORDERED that:

1. The telephonic trial confirmation hearing scheduled for January 18, 2011 is HEREBY VACATED;
2. Within twenty (20) days from the date of service of this order, Plaintiff is DIRECTED to submit a statement clarifying whether he plans to call witnesses only from those which the Defendants call or whether the Plaintiff wishes to call additional incarcerated or involuntary witnesses;
3. Plaintiff's motion for settlement is DENIED.

IT IS SO ORDERED.

Dated: December 6, 2010

UNITED STATES MAGISTRATE JUDGE