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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 MAXIMILIAN MONCLOVA-CHAVEZ,

CASE NO. 1:08-cv-00076-AWI-BAM

10 Plaintiff,

AMENDED ORDER SETTING DATES FOR
DEFENDANT TINCHER

11 v.

12 ERIC McEACHERN, et al.,

Telephonic Trial Confirmation Hearing:
June 24, 2013, at 3:00 p.m., in Courtroom 2
(AWI)

13 Defendants.

Jury Trial: August 6, 2013, at 8:30 a.m., in
Courtroom 2 (AWI)

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16 Plaintiff Maximilian Monclova-Chavez (“Plaintiff”) is a federal prisoner proceeding in this
17 civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403
18 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal
19 actors. This action is proceeding on the complaint, filed January 15, 2008, against Defendants
20 McEachern,¹ Miller, White, and Tincher for excessive force in violation of the Eighth Amendment.
21 This action is currently set for jury trial before the Honorable Anthony W. Ishii on February 20,
22 2013, at 8:30 a.m. On June 21, 2012, an order issued granting Defendant Tincher’s motion to
23 bifurcate and sever the trial. On August 21, 2012, a scheduling conference was held to set a new trial
24 date. Accordingly, IT IS HEREBY ORDERED that:

- 25 1. The telephonic trial confirmation hearing set before the Honorable Anthony W. Ishii
26 for **January 7, 2013, at 1:30 p.m.** shall remain for Defendants Miller and White;

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28 _____
¹On December 8, 2010, default was entered against Defendant McEachern. (ECF Nos. 71, 72.)

1 2. The jury trial set before the Honorable Anthony W. Ishii for **February 20, 2013, at**
2 **8:30 a.m.** shall remain for Defendants Miller and White;

3 3. A telephonic trial confirmation hearing for Defendant Tincher is set for **June 24,**
4 **2013, at 3:00 p.m.,** in Courtroom 2 (AWI) before the Honorable Anthony W. Ishii.
5 The parties shall make arrangements for a conference call and, once all parties are on
6 the line, shall call the Court at **(559) 499-5669**;

7 a. The parties are ordered to file a Joint Pretrial Statement pursuant to Local
8 Rule 281(a)(2). The parties are further directed to submit a digital copy of
9 their pretrial statement in Word Perfect X3² format, directly to Judge Ishii's
10 chambers by emailing it to awiorders@caed.uscourts.gov.

11 b. The parties' attention is directed to Rules 281 and 282 of the Local Rules of
12 Practice for the Eastern District of California, as to the obligations of counsel
13 in preparing for the pre-trial conference. The Court will insist upon strict
14 compliance with those rules.

15 4. A jury trial for Defendant Tincher is set for **August 6, 2013, at 8:30 a.m.,** in
16 Courtroom 2 before the Honorable Anthony W. Ishii, Chief United States District
17 Court Judge. The parties' attention is directed to Local Rules of Practice for the
18 Eastern District of California.³

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20 IT IS SO ORDERED.

21 **Dated: August 23, 2012**

/s/ Barbara A. McAuliffe
22 UNITED STATES MAGISTRATE JUDGE

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26 ² If WordPerfect X3 is not available to the parties then the latest version of WordPerfect or any other word
27 processing program in general use for IBM compatible personal computers is acceptable.

28 ³Due to a typographical error, the original order had an incorrect date for the jury trial. This order issues to
correct the date of trial to August 6, 2013.