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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MAXIMILLIAN MONCLOVA-CHAVEZ,)	Case No.: 1:08-cv-00076-AWI-BAM
)	
Plaintiff,)	ORDER SETTING DATES FOR TELEPHONIC
)	TRIAL CONFIRMATION HEARING AND TRIAL
v.)	DATES FOR DEFENDANT TINCHER
)	
ERIC McEACHERN, et al.,)	
)	
Defendants.)	
)	
)	

This action proceeds on Plaintiff Maximilian Monclova-Chavez’s complaint filed on January 15, 2008. Plaintiff Maximilian Monclova-Chavez is a federal prisoner proceeding in this civil rights action filed pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971) for two separate incidents of excessive force in violation of the Eighth Amendment. The court severed the trial of Defendants Miller, White and McEachern from the trial against Defendant Tincher. This order is limited to the trial involving Defendant Tincher.

On June 24, 2013, the court held a telephonic trial confirmation hearing. Based on the court’s availability, the court vacated the August 6, 2013 trial date. The court directed counsel for the parties to confer and to inform the court of new dates. (ECF No. 149.)

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Pursuant to the court's directive, the parties have requested a trial date of October 8, 2013 in the matter of Monclova-Chavez v. Tincher. Accordingly, IT IS HEREBY ORDERED as follows:

1. A telephonic trial confirmation hearing for the matter against Defendant Tincher is set for September 3, 2013, at 3:00 p.m. in Courtroom 2 (AWI) before the Honorable Anthony W. Ishii. The parties shall make arrangements for a conference call and, once all parties are on the line, shall call the Court at (559) 499-5669; and
2. A jury trial for the matter against Defendant Tincher is set for October 8, 2013, at 8:30 a.m. in Courtroom 2 before the Honorable Anthony W. Ishii.

IT IS SO ORDERED.

Dated: July 30, 2013



SENIOR DISTRICT JUDGE