

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANDRES SANTANA,

 Plaintiff,

 v.

MIKE KNOWLES, et al.,

 Defendants.

Case No. 1:08-cv-00237-LJO-SAB

ORDER SETTING STATUS CONFERENCE FOR
MAY 31, 2017 AT 2:30 PM AND DIRECTING
CLERK OF THE COURT TO SERVE A COPY
OF THIS ORDER ON PLAINTIFF ANDRES
SANTANA

 This action was filed on February 19, 2008, by Plaintiff Oscar Cruz proceeding pro se. (ECF No. 1.) After the death of Plaintiff Cruz, his success in interest obtained representation. (ECF Nos. 27, 33.) On November 9, 2009, Plaintiffs Andres Santana and Maria del Rosario Corona (collectively “Plaintiffs”) filed a first amended complaint alleging that Defendants Chris Chrones, S. Frauenheim, Kelly Harrington, and Mike Knowles (collectively “Defendants”) deprived Oscar Cruz and Andres Santana of adequate outdoor exercise. (ECF No. 62.)

 On December 9, 2009, Defendants filed a motion to dismiss. (ECF No. 65.) On January 20, 2010, the Court dismissed Plaintiffs’ equal protection and procedural due process claims and denied dismissal of Plaintiffs’ Eighth Amendment claim. (ECF No. 73.) On June 15, 2012, Defendants filed a motion for summary judgment as to the only remaining claim, the Eighth Amendment claim. (ECF No. 142.) On September 14, 2012, the Court granted Defendants’ motion for summary judgment. (ECF No. 188.)

 On October 23, 2012, Plaintiff Santana filed a notice of appeal from the order dismissing his due process and equal protection claims and the order on the summary judgment motion on the Eighth Amendment claim. (ECF No. 190.) On April 19, 2017, the Ninth Circuit Court of Appeal affirmed the district court’s grant of summary judgment on Plaintiff Santana’s Eighth Amendment claim on the basis of qualified immunity, affirmed the district court’s dismissal of

1 Plaintiff Santana's due process claim, and reversed the district court's dismissal of Plaintiff
2 Santana's equal protection claim. (ECF No. 212.) The mandate issued on May 11, 2017. (ECF
3 No. 213.)

4 Following the decision on appeal, this action is proceeding on Plaintiff Santana's equal
5 protection claim against Defendants Chris Chrones, S. Frauenheim, Kelly Harrington, and Mike
6 Knowles for monetary damages. Although Plaintiff filed his appeal pro se, counsel has never
7 filed a notice terminating their representation in this matter. The record currently reflects that
8 Plaintiff is represented by Aman Pradhan of Gordon-Creed, Kelley, Holl & Sugerman and
9 Warren E. George Jr. of the Prison Law Office. Therefore, the Court shall set a status conference
10 to address the status of Plaintiff's representation and the scheduling of this matter upon remand.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. This action is set for a telephonic status conference on **May 31, 2017, at 2:30 p.m.**
13 in Courtroom 9;
- 14 2. If currently listed counsel is no longer intending to represent Plaintiff Santana in
15 this action, they shall file a motion setting forth the legal basis to withdraw from
16 representation or a substitution of new counsel form on or before May 26, 2017
17 and advise new counsel of this order;
- 18 3. Defense counsel shall arrange for Plaintiff to appear telephonically at the status
19 conference; and
- 20 4. The Clerk's Office is directed to serve a copy of this order on Andres Santana,
21 Inmate K00977; P.O. Box 5002; Calipatria, California 92233-5002.

22 IT IS SO ORDERED.

23 Dated: May 12, 2017

24 
25 _____
26 UNITED STATES MAGISTRATE JUDGE
27
28