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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Willie D. Randle,
Plaintiff,
vs.
L. V. Franklin et al.,
Defendant.

No. CV-08-0845-JAT

ORDER

Pending before the Court is Defendants’ Motion to Continue Trial Date (Doc. # 101). Trial in this matter is set for Tuesday, March 22, 2011, and Defendants seek a continuance for approximately 60 days due to the hospitalization of defense counsel. For the reasons that follow, the Court denies the motion.

Based on the Declaration of Vickie P. Whitney, defense counsel’s supervisor at the California Attorney General’s Office (“Affiant”), defense counsel is currently hospitalized and undergoing diagnostic tests. The following is unknown to both Affiant and the Court: defense counsel’s medical condition, the cause for defense counsel’s hospitalization, and the anticipated duration of defense counsel’s hospitalization.

The motion fails to explain how a relatively simply case, in which there are two contested issues of fact, three contested issues of law, and witnesses consisting of Plaintiff, his former cellmate, and the four Defendants, cannot be prepared for trial in the next seven

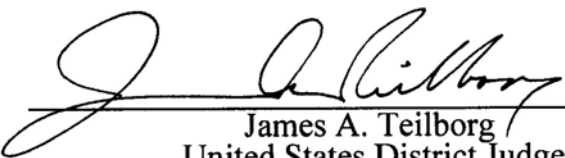
1 days by the California Attorney General's Office. Further, the motion neither takes into
2 account the interests of Plaintiff in going forward with the trial as scheduled, nor the costs
3 of and logistical efforts undertaken by the Court and the Court's staff to prepare for a trial
4 out-of-state.

5 Accordingly,

6 **IT IS HEREBY ORDERED** that Defendants' Motion to Continue Trial Date (Doc.
7 # 101) is **DENIED**.

8 DATED this 15th day of March, 2011.

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James A. Teilborg
United States District Judge