

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

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

| | | |
|---|---|-----------------------|
| Oba Lee Frelimo, |) | No. 1:08-CV-01040-SMM |
| Plaintiff, |) | ORDER |
| vs. |) | |
| J. Garcia, et al., |) | |
| Defendants. |) | |
| <hr style="width: 400px; margin-left: 0;"/> | | |

By previous Order, the Court scheduled a telephonic status conference for October 12, 2010 at 1:30 p.m (Doc. 39). The Court instructed defense counsel to initiate a conference call and secure Plaintiff, a pro se prisoner, on the line before telephoning chambers for the status hearing.

At the scheduled time for the status hearing, defense counsel advised the Court that he had been unable to secure Plaintiff on the phone line. Counsel stated to the Court that he had been in contact with the Litigation Coordinator at Pelican Bay State Prison, Celeste Schiffner, to arrange for Plaintiff’s telephonic appearance at the conference.¹ Counsel represented that he sent Ms. Schiffner a copy of the Court’s Order setting the status conference, and that she indicated that she would provide defense counsel with a telephone number to contact Plaintiff for the hearing. When defense counsel did not hear back from Ms. Schiffner, he made several attempts on October 11 and 12 to contact Ms. Schniffner, but he did not receive either a call back or return e-mail.

¹Plaintiff is no longer incarcerated at Kern Valley State Prison, but has been moved to Pelican Bay State Prison.

1 The Court will re-schedule the telephonic status conference for **Monday, December**
2 **6, 2010, at 3:30 p.m., Arizona time.** The Court notes that Arizona is one hour ahead of
3 California in December. The Court also notes the importance of Plaintiff's appearance at all
4 court proceedings. Thus, it is crucial that the prison litigation staff work with defense
5 counsel to facilitate Plaintiff's participation in future hearings.

6 Accordingly,

7 **IT IS HEREBY ORDERED** setting a telephonic status conference before the
8 Honorable Stephen M. McNamee for **Monday, December 6, 2010, at 3:30 p.m., Arizona**
9 **time.** Defense counsel shall initiate a conference call and secure Plaintiff on the line before
10 telephoning Judge McNamee's chambers at (602) 322-7555, no later than 3:25 p.m. on
11 December 6, 2010.

12 DATED this 13th day of October, 2010.

13
14 
15 _____
16 Stephen M. McNamee
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28