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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
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7 SERGIO ALEJANDRO GAMEZ,

8 Plaintiff,

9 vs.

10 F. GONZALEZ, et al.,

11 Defendants.  
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1:08-cv-01113-EPG-PC

ORDER RESCHEDULING SETTLEMENT  
CONFERENCE FROM FEBRUARY 17,  
2016 AT 10:00 A.M. BEFORE  
MAGISTRATE JUDGE ERICA P.  
GROSJEAN TO FEBRUARY 18, 2016 AT  
10:00 A.M. BEFORE MAGISTRATE  
JUDGE JENNIFER L. THURSTON

**NEW DATE FOR SETTLEMENT  
CONFERENCE, BEFORE MAGISTRATE  
JUDGE JENNIFER L. THURSTON**

**Settlement Conference:**  
February 18, 2016, at 10:00 a.m.  
Courtroom 6 (JLT)

**Confidential Settlement Conference**  
**Statements due:** February 10, 2016

**Deadline to File Motions for**  
**Summary Judgment:** March 2, 2016  
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22 **PLEASE TAKE NOTICE**

23 On December 10, 2015, the Court issued an order scheduling a Settlement Conference  
24 in this case for February 17, 2016 at 10:00 a.m. in Courtroom 10 before Magistrate Judge Erica  
25 P. Grosjean. (ECF No. 211.)

26 Given that the parties had voluntarily consented to have Magistrate Judge Grosjean  
27 conduct the trial for this case, the Court issued an order on November 25, 2015, requiring the  
28 parties to complete and submit the Court's form for "Waiver of Disqualification of Magistrate

1 Judge” within thirty days, if they choose to have Judge Grosjean preside over both the  
2 Settlement Conference and the trial. (ECF No. 206.) The Court sent Waiver forms to the  
3 parties for completion and return to the Court. (Id.) On December 8, 2015, Plaintiff filed his  
4 Waiver. (ECF No. 209.) Defendants did not file a Waiver before the thirty-day deadline  
5 expired.

6 On January 19, 2016, the Court issued an order for Defendants to file a Waiver by  
7 January 22, 2016, or the Settlement Conference would be vacated from the Court’s calendar  
8 without further notice. (ECF No. 215.) The January 22, 2016 deadline has now expired, and  
9 Defendants have not filed a Waiver.

10 Therefore, the Settlement Conference for this case is now rescheduled from February  
11 17, 2016 at 10:00 a.m. before Magistrate Judge Erica P. Grosjean to **February 18, 2016 at**  
12 **10:00 a.m. before Magistrate Judge Jennifer L. Thurston.** The deadline of **February 10,**  
13 **2016** for the parties to submit confidential settlement conference statements to the Court  
14 remains the same.<sup>1</sup> The deadline of **March 2, 2016** for the filing of motions for summary  
15 judgment remains the same. All other provisions of the November 25, 2015 order remain the  
16 same. The parties are advised to review the November 25, 2015 order for the information and  
17 deadlines that have not changed. The Court shall issue a new Writ of *habeas corpus ad*  
18 *testificandum* to transport Plaintiff to the Court for the February 18, 2016 Settlement  
19 Conference.

### 20 **III. CONCLUSION**

21 Based on the foregoing, IT IS HEREBY ORDERED that:

- 22 1. The Settlement Conference for this case is rescheduled from February 17, 2016  
23 at 10:00 a.m. before Magistrate Judge Erica P. Grosjean to **February 18, 2016**  
24 **at 10:00 a.m. before Magistrate Judge Jennifer L. Thurston,** at the United  
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27 <sup>1</sup> The Court has received Plaintiff’s confidential settlement conference statement, which the  
28 Court will provide to Magistrate Judge Thurston. However, to date Plaintiff has not filed the Notice of  
Submission of Confidential Settlement Conference Statement required under Local Rule 270(d).

1 States District Court, 2500 Tulare Street, Fresno, California, in Courtroom 6  
2 (Seventh Floor);

- 3 2. The February 10, 2016 deadline for the parties to submit brief confidential  
4 settlement conference statements,<sup>2</sup> as instructed by the Court's order of  
5 November 25, 2015, remains the same. However, if the parties submit  
6 settlement conference statements after the date of service of this order, they shall  
7 submit their settlement conference statements to The Chambers of Magistrate  
8 Judge Jennifer L. Thurston, 2500 Tulare St., Rm. 1501, Fresno, California  
9 93721, or via e-mail at jltorders@caed.uscourts.gov, to arrive **no later than**  
10 **February 10, 2016**, and concurrently file a Notice of Submission of  
11 Confidential Settlement Conference Statement (See Local Rule 270(d)); and  
12 3. The deadline of **March 2, 2016** for filing motions for summary judgment  
13 remains the same.

14 IT IS SO ORDERED.

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16 Dated: **January 27, 2016**

17 /s/ Eric P. Groj  
18 UNITED STATES MAGISTRATE JUDGE

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28 <sup>2</sup> Settlement Conference Statements **should not be filed** with the Clerk of the Court **nor served**  
**on any other party**. Settlement Conference Statements shall be clearly marked "confidential."