1 3 5 6 UNITED STATES DISTRICT COURT 7 8 SOUTHERN DISTRICT OF CALIFORNIA 9 GERALD L. MILLER, JR. CDCR #C-92075 Civil No. 08-1233 BTM (WMc) 10 Plaintiff, 11 **ORDER: (1) SETTING STATUS CONFERENCE AND (2) DENYING** 12 O. RUFION; MOONGA, R.N., MOTION TO STAY 13 [DOC. NOS. 79 and 80.] Defendants. 14 The Court has received Defendants' Request to Amend the Scheduling Order in this matter [Doc. 15 No. 79.] and Plaintiff's motion to stay [Doc. No. 80.] After careful review of the request and motion, 16 the Court issues the following orders: 17 1. The Court will hold a telephonic Status Conference on August 5, 2010 at 3:30 p.m. with 18 Magistrate Judge William McCurine, Jr., to discuss modification of the scheduling order. In cases 19 where a party is incarcerated at the time of the scheduled conference, counsel for Defendants shall 20 make arrangements for the incarcerated party to appear telephonically. Defense counsel is ordered to 21 initiate a joint call to chambers on the day and at the time indicated above to (619) 557-6624. 22 23 /// 24 25 26 27 /// 28

2. Plaintiff's motion to stay is **DENIED** without prejudice. No stay of litigation is needed to address Plaintiff's concerns regarding missing property. Given the Defendants' request for a continuance to allow Dr. Akanno to prepare a defense, the Plaintiff will likely have additional time in which to contact the institutions where he was previously incarcerated and receive his property.

## IT IS SO ORDERED.

DATED: July 21, 2010

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Hon. William McCurine, Jr. U.S. Magistrate Judge, U.S. District Court