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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LARRY ZUNIGA,

Plaintiff,

v.

CHRIS JORDAN, et al.,

Defendants.

CASE NO. 1:09-cv-01208-AWI-BAM PC

ORDER SETTING TELEPHONIC TRIAL
SCHEDULING CONFERENCE

Plaintiff Larry Zuniga (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s complaint, filed July 13, 2009, against Defendants Berke, Torres, Henderson, and Jordan for excessive force in violation of the Eighth Amendment.

On March 22, 2012, the Court issued an amended pretrial order setting trial for July 17, 2012. On June 25, 2012, the Court vacated the July 17, 2012 trial date and scheduled a telephonic status conference. (ECF No. 70.) The Court held telephonic status conferences on July 16, 2012, August 27, 2012, September 10, 2012 and November 19, 2012. (ECF Nos. 71, 72, 75, 79.)

Plaintiff did not appear at the November 19, 2012 telephonic status conference. He reportedly had been paroled and had failed to provide the Court his current address. (ECF No. 79.)

Thereafter, on November 21, 2012, Defendants filed a motion to dismiss this action based on Plaintiff’s failure to comply with the Court’s orders to provide current contact information and his failure to prosecute this action. (ECF No. 80.) On December 3, 2012, Plaintiff filed a notice of change of address. (ECF No. 81.) Defendants subsequently withdrew their motion to dismiss. (ECF

1 No. 84.)

2 As the trial date has been vacated and no other dates have been set, the Court HEREBY
3 ORDERS as follows:

- 4 1. A telephonic trial scheduling conference is set before the undersigned on **May 2,**
5 **2013, at 9:30 a.m.** in Courtroom 8; and
- 6 2. Defense counsel shall make arrangements for a conference call and, once all parties
7 are on the line, shall call the Court at **(559) 499-5789.**

8 IT IS SO ORDERED.

9 **Dated: March 20, 2013**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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