

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH ZAVALA,

Plaintiff,

v.

CHRIS CHRONES, et al.,

Defendants.

Case No. 1:09-cv-01352-DLB PC

**ORDER REGARDING PLAINTIFF'S
MOTIONS (ECF Nos. 85, 92)**

**ORDER VACATING SECOND
SCHEDULING ORDER (ECF No. 89)**

**ORDER REASSIGNING ACTION TO
MAGISTRATE JUDGE BARBARA A.
MCAULIFFE**

Plaintiff Keith Zavala ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Chris Chrones, S. Chandle, S. Kays, C. Martin, D. Smith, and Soto for deliberate indifference to Plaintiff's safety in violation of the Eighth Amendment.

On April 10, 2012, Plaintiff filed a motion requesting that a pretrial conference be set and the matter set for trial. ECF No. 85. That motion was premature, as the Court had yet to adjudicate a pending motion to dismiss. On August 13, 2012, Plaintiff filed a motion to withdraw this motion. ECF No. 92. The Court HEREBY grants the August 13, 2012 motion, and Plaintiff's April 10, 2012 motion is withdrawn.

1 On August 14, 2012, District Judge Lawrence J. O'Neill reassigned the action to the
2 undersigned in its entirety. ECF No. 93. Accordingly, it is HEREBY ORDERED that the Second
3 Scheduling Order, filed July 27, 2012, is vacated.

4 Due to schedule conflicts, the undersigned will be unavailable for jury trial in this matter.
5 This matter will be reassigned to United States Magistrate Judge Barbara A. McAuliffe for all
6 purposes. Accordingly, it is HEREBY ORDERED that

- 7 1. This action is reassigned to Magistrate Judge Barbara A. McAuliffe for all purposes; and
- 8 2. The new case number in this action is 1:09-cv-01352-BAM (PC).

9
10
11 IT IS SO ORDERED.

12 Dated: August 20, 2012

/s/ Dennis L. Beck
13 UNITED STATES MAGISTRATE JUDGE