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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 WILLIAM SUTHERLAND,

11 Plaintiff,

12 vs.

13 CORRECTIONAL OFFICERS A.
14 FERNANDO AND M. JERICOFF,

15 Defendants.
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1:09-cv-02152-LJO-GSA-PC

ORDER GRANTING DEFENDANTS'
REQUEST TO RESCHEDULE TRIAL
CONFIRMATION HEARING
(Doc. 117.)

ORDER RESCHEDULING TRIAL
CONFIRMATION HEARING FROM
NOVEMBER 21, 2014 AT 8:15 A.M. TO
NOVEMBER 19, 2014 AT 8:15 A.M.

New date for Trial Confirmation Hearing:

**November 19, 2014 at 8:15 a.m.
Courtroom 4 (LJO)**

19 William Sutherland ("Plaintiff") is a state prisoner proceeding pro se and in forma
20 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. This action now proceeds
21 on the First Amended Complaint filed by Plaintiff on December 6, 2010, against defendants
22 Correctional Officers A. Fernando and M. Jericoff ("Defendants") for use of excessive force in
23 violation of the Eighth Amendment, and related state claims.¹ (Doc. 15.) This case is
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25 ¹ On June 16, 2011, the Court dismissed defendant Lieutenant R. Lantz from this action based on
26 Plaintiff's failure to state a claim against him under § 1983. (Doc. 20.) Plaintiff's claims for conspiracy, due
27 process violations, and violations of the Penal Code were also dismissed from this action based on Plaintiff's
28 failure to state a claim upon which relief may be granted under § 1983. (Id.) On February 20, 2014, the Court
issued an order granting in part Defendants' motion for summary judgment of August 17, 2012, granting summary
judgment in favor of Defendant Yates. (Doc. 94.) The Court declined to exercise supplemental jurisdiction over
Plaintiff's state law claim of negligent hiring. (Id. at 2 ¶4.)

1 scheduled for a telephonic trial confirmation hearing on November 21, 2014, and jury trial on
2 January 6, 2015.

3 On October 24, 2014, Defendants filed a request to reschedule the trial confirmation
4 hearing from November 21, 2014 at 8:15 a.m. to November 19, 2014 at 8:15 a.m., due to a
5 conflict with the November 21, 2014 date. Defendants' Counsel, Diana Esquivel, has notified
6 the court that she has a prior commitment to appear before the Ninth Circuit for oral argument
7 in another case on November 21, 2014 at 9:00 a.m., which conflicts with the trial confirmation
8 hearing scheduled in this case for November 21, 2014 at 8:15 a.m. Good cause appearing,
9 Defendants' request shall be granted, and the trial confirmation hearing shall be rescheduled to
10 November 19, 2014 at 8:15 a.m.

11 Accordingly, good cause having been presented to the court, and GOOD CAUSE
12 APPEARING THEREFOR, IT IS HEREBY ORDERED that:

- 13 1. Defendants' request for the trial confirmation hearing to be rescheduled to
14 November 19, 2014 at 8:15 a.m. is GRANTED;
15 2. The telephonic trial confirmation hearing for this action is rescheduled:

16 **From: November 21, 2014 at 8:15 a.m.**

17 **To: November 19, 2014 at 8:15 a.m.,**
18 **Before District Judge Lawrence J. O'Neill**
In Courtroom 4

- 19 3. The parties are advised to refer back to the court's Second Scheduling Order of
20 August 26, 2014 for instruction and information regarding preparation for the
21 hearing. (Doc. 101.)

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23 IT IS SO ORDERED.

24 Dated: **October 27, 2014**

/s/ Lawrence J. O'Neill
25 UNITED STATES DISTRICT JUDGE
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