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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM P. GARCIA,

Plaintiff,

v.

CLARK, et al.,

Defendants.

Case No. 1:10-cv-00447 LJO DLB PC

ORDER RESCHEDULING TRIAL
CONFIRMATION HEARING AND TRIAL
DATE

Plaintiff William P. Garcia (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on March 12, 2010. On October 14, 2013, Defendants filed a motion to dismiss for lack of subject matter jurisdiction. On February 4, 2015, Defendants’ motion was granted, thereby dismissing the case.

Plaintiff filed a notice of appeal and the appeal was processed to the Ninth Circuit Court of Appeals. The parties engaged in the Ninth Circuit’s mediation program and agreed that Plaintiff’s argument on appeal concerning the viability of his claims for damages was meritorious. The parties agreed to resolve the appeal by stipulating to dismissal of the appeal and filing a joint motion to vacate the judgment and modify the order granting the motion to dismiss in order to allow Plaintiff’s claim for damages based on allegations of past misconduct to continue in the District Court. On May 10, 2016, the parties filed a joint motion to vacate judgment and modify the order granting the motion to dismiss. The motion was granted on May 18, 2016, and the February 4, 2015, order

1 adopting the Findings and Recommendation was modified. Defendants' motion to dismiss was
2 denied in part to allow Plaintiff's claim for monetary damages to proceed based on allegations of
3 past misconduct.

4 On July 8, 2013, the date set for trial was vacated pending settlement conferences and
5 subsequent proceedings. Those matters having been resolved, the Court finds rescheduling of the
6 trial confirmation hearing and trial date in this action necessary at this time.

7 **ORDER**

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. This matter is set for telephonic trial confirmation hearing before the Honorable
10 Lawrence J. O'Neill on **December 1, 2016, at 8:30 a.m. in Courtroom 4;**
11 2. This matter is set for jury trial before the Honorable Lawrence J. O'Neill on **January**
12 **10, 2017, at 8:30 a.m. in Courtroom 4;**
13 3. Counsel for Defendants is required to arrange for the participation of Plaintiff in the
14 telephonic pretrial conference and to initiate the telephonic hearing at **(559) 499-5680.**

15
16 IT IS SO ORDERED.

17 Dated: June 7, 2016

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