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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF CALIFORNIA**
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9 LEONARDO JOSEPH RANGEL,) 1:10-cv-01790-BAM (PC)
10 Plaintiff,)
11 v.) ORDER REQUIRING PLAINTIFF'S
12 D. LATRAILLE, et al.,) COUNSEL TO FILE STATUS REPORT
13 Defendants.) TEN (10) DAY DEADLINE
14)

15 Plaintiff Leonardo Joseph Rangel ("Plaintiff") is a former state prisoner proceeding in
16 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on
17 Plaintiff's claims of excessive force in violation of the Eighth Amendment, and assault and
18 battery under state law, against Defendants D. LaTraille and J. Taber (erroneously sued as "J.
19 Tabor"). All parties have consented to magistrate judge jurisdiction. (ECF Nos. 9, 93). A jury
20 trial is currently confirmed for May 3, 2016.

21 At the March 15, 2016 telephonic trial confirmation hearing ("TTCH") in this matter, the
22 Court attempted to confirm several matters with the parties, but Plaintiff was represented by
23 substitute counsel who was not fully informed of the case status. The Court reminds counsel that
24 at all hearings, and particularly hearings such as the TTCH where issues relevant to the
25 upcoming trial are to be discussed, counsel must come fully prepared to address the issues set for
26 hearing. Several outstanding issues must now be addressed in a status report by Plaintiff's
27 counsel in advance of trial.

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1 Accordingly, the Court HEREBY ORDERS:

2 1. Within ten (10) days of the date of service of this order, Plaintiff's counsel shall
3 file a status report addressing the following matters:

4 a. The relief Plaintiff seeks in this matter, specifically whether Plaintiff still
5 seeks declaratory relief and preliminary and permanent injunctive relief. As discussed during the
6 TTCH, declaratory relief is unnecessary and redundant here. See United States v. Washington,
7 759 F.2d 1353, 1357 (9th Cir. 1985). Furthermore, since Plaintiff is no longer incarcerated, his
8 claim for any injunctive relief is moot. Nevertheless, the Court is willing to hear any argument
9 by Plaintiff regarding why such relief is warranted here. Plaintiff should specify the basis for
10 seeking declaratory and injunctive relief, if he intends to continue to seek such relief;

11 b. How Plaintiff intends to use the discovery responses identified as
12 proposed exhibits in **Section M.** of his pretrial statement, and specifically whether Plaintiff
13 intends to offer any portion of those discovery responses for admission into evidence, or plans to
14 use them primarily for impeachment purposes. The Court does not admit discovery responses
15 into evidence in their entirety, and instead selected portions may be relevant and used at trial,
16 depending on the circumstances; and

17 c. What are the "press releases" and "news articles" that Plaintiff identified
18 as proposed exhibits in **Section M.**, including the date, author, publication in which they
19 appeared, and other identifying information, and how Plaintiff intends to use them.

20 d. How does Plaintiff intend to use the declarations identified in the proposed
21 exhibits in **Section M.** Declarations are typically hearsay and not admissible at trial.

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23 IT IS SO ORDERED.

24 Dated: March 15, 2016

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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