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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. ) **AMENDED PRETRIAL ORDER**  
12 D. LATRAILLE, et al., ) (ECF No. 117)  
13 Defendants. ) **Motion in Limine Hearing:** April 25, 2016 at  
14 ) 10:00 am. in Courtroom 8 (BAM)

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 On March 24, 2015, pursuant to this Court’s prior order, Plaintiff filed a statement  
22 regarding the trial in this matter. (ECF No. 125.) Plaintiff’s statement requires the amendment of  
23 the March 16, 2016 Pretrial Order previously issued in this matter. Furthermore, the Court finds  
24 that the interests of judicial economy are best served by adjusting the date for the motion in  
25 limine hearing in this matter.

26 Accordingly, the Court HEREBY ORDERS that:

- 27 1. Section **IV** of the Pretrial Order is amended, as follows:

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1 Plaintiff seeks compensatory and punitive damages, attorney's fees  
2 and costs, and other relief as the Court deems proper. Plaintiff  
abandons his claims for declaratory relief and injunctive relief.

3 Defendants pray for judgment in their favor, with Rangel taking  
4 nothing, an award of costs, and such other relief as the Court  
5 deems proper.

6 2. The motion in limine hearing in this matter will be held, telephonically, on April  
7 25, 2016 at 10:00 a.m. in Courtroom 8 (BAM); and

8 3. All other provisions, dates, deadlines, requirements, admonishments, and  
9 instructions in the Court's March 16, 2016 Pretrial Order issued in this matter remain the same.

10 4. No further briefing will be considered in support of or in opposition to these fully  
11 briefed motions.

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13 IT IS SO ORDERED.

14 Dated: April 4, 2016

15 /s/ Barbara A. McAuliffe  
16 UNITED STATES MAGISTRATE JUDGE  
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