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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

EUGENE FORTE)	1:11-cv-00318 AWI-BAM
)	
Plaintiff,)	
)	
v.)	
)	
COUNTY OF MERCED; DISTRICT)	NOTICE OF STATUS
ATTORNEY LARRY MORSE; DEPUTY)	CONFERENCE IN CASE #
DISTRICT ATTORNEY ALAN)	1:11-cv-00718 and
TURNER; COUNTY COUNSEL JAMES)	SCHEDULING ORDER RE:
FINCHER; MERCED COUNTY)	COMPETENCY HEARING
SHERIFF MARK PAZIN; MERCED)	
COUNTY SHERIFF DEPUTIES)	
PACINICH, JASKOWIEAC, HILL and)	
LEUCHNER; JAMES PADRON;)	
SUPERVISOR JERRY O'BANION;)	
CITY OF LOS BANOS; LOS BANOS)	
POLICE OFFICERS GARY BRIZZEE)	
and ANTHONY PARKER; CATHOLIC)	
DIOCESE OF FRESNO; CONNIE)	
McGHEE; McCLATCHY)	
NEWSPAPERS; LOS BANOS)	
ENTERPRISE; GENE LIEB; COREY)	
PRIDE; and DOES 1 through 100, et al.,)	
)	
Defendants.)	

On May 29, 2013, a status conference was held in the case of Forte v. Jones, 1:11-cv-718, to address concerns arising from the intent expressed in Defendant's pretrial statement to introduce evidence at trial pertaining to Plaintiff's mental competency to present evidence

1 at trial. See Doc. # 44 at 3:12-14 (stating disputed evidentiary issue of Plaintiff's competence
2 as a result of the determination of Plaintiff's incompetence to stand trial on misdemeanor
3 criminal charges by Merced County Superior Court in People v. Gene Forte, CRL003409).
4 On the basis of status reports filed by the parties in this case and in the court's Case Number
5 1:11-cv-00718, and on the basis of Plaintiff's requests for appointment of guardian ad litem
6 and appointment of counsel in this case 1:11-cv-00318 (Doc. # 134) and in Case Number
7 1:11-cv-00718 (Doc.'s # 66 and 67), the court determined that it cannot proceed further in
8 either case until the issue of Plaintiff's mental competence is resolved. Although the issue of
9 Plaintiff's competency arose first at the status conference in Case Number 1:11-cv-00718, the
10 outcome of this court's determination of Plaintiff's competency in that case will affect the
11 conduct of this case as well. Therefore, the issue of Plaintiff's competency will be
12 determined at a single hearing at which Defendants in this case will be given an opportunity
13 to present evidence and argument regarding Plaintiff's competence to present evidence at trial
14 and to represent himself in these civil cases.

15
16 THEREFORE it is hereby ordered that the Defendant parties in Case Number 1:11-
17 cv-00318 may appear at a hearing on the single issue of Plaintiff's competence to present
18 evidence and to represent himself at trial in the two civil cases now before this court to be
19 held Tuesday, July 9, 2013, at 9:00 a.m. in Courtroom 2. Any documents not currently filed
20 with the court that any party may wish the court to consider in advance of the hearing,
21 including written summaries of arguments and evidence to be presented at the hearing, shall
22 be filed and served not later than 4:00 p.m. on June 28, 2013.

23 IT IS SO ORDERED.

24 Dated: May 29, 2013



25 _____
26 SENIOR DISTRICT JUDGE
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