UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JESSE L. SERRANO,

Plaintiff,

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SCOTT RAWERS, et al.,

Defendants.

CASE NO. 1:11-cv-00399-MJS (PC)

ORDER GRANTING PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME (ECF No. 67) AND STRIKING THE PRETRIAL CONFERENCE DATE (ECF No. 48.)

Fourteen (14) Day Deadline

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. (ECF Nos. 1 & 8.) The action proceeds on Plaintiff's First Amended Complaint (ECF No. 6.) against Defendant Lucas for violation of Plaintiff's Eighth Amendment rights. (ECF Nos. 11 & 12.)

On May 4, 2015, the Court issued a second scheduling order, requiring Plaintiff to file and serve a pretrial statement on or before August 6, 2015. (ECF No. 48.) On August 14, 2015, the Court also requested that the parties submit confidential statements to enable the Court to determine if the case is appropriate for the Prisoner Settlement Program.

When Plaintiff did not file a pretrial statement by the deadline, the Court ordered Plaintiff to show cause why the action should not be dismissed with prejudice for failure to obey a court order and file his pretrial statement. (ECF No. 64.) Shortly thereafter, the Court received a document from Plaintiff, which appeared to be his pretrial statement and docketed it accordingly. (ECF No. 65.) The Court discharged the order to show cause. (ECF No. 66.)

Now before the Court is Plaintiff's August 31, 2015 response to the order to show cause indicating that he has not yet filed a pretrial statement and seeking additional time to do so due to his limited access to the law library resulting from prison lockdowns. (ECF No. 67.)

The pretrial conference in this matter is set for September 17, 2015. However, the Court also requested that the parties submit confidential statements regarding settlement to determine if a settlement conference would be fruitful. To allow the Alternative Dispute Resolution Division of the Court to assess whether the case is one which will benefit from a settlement conference, the pre-trial conference date will be stricken. To the extent that Plaintiff wishes to file a supplement to his pretrial statement already filed, he will be granted an additional fourteen days to do so.

Good cause having been presented to the court and GOOD CAUSE APPEARING THEREFOR. IT IS HEREBY ORDERED that:

- 1. Plaintiff's motion for an extension of time is GRANTED. Plaintiff is granted fourteen (14) days from the date of service of this order to file a supplement to his pretrial statement. If he chooses to file a supplement, Plaintiff should clearly title the document as his "Pretrial Statement" and ensure that it is complete in and of itself. The Court will not reference any previously filed statements;
- 2. The Clerk of Court is directed to send Plaintiff a copy of his previously filed pretrial statement (ECF No. 65.) and a copy of the Court's order directing Plaintiff to submit a confidential statement regarding settlement (ECF No. 63.); and
 - 3. The pretrial conference date of September 17, 2015 is stricken.

IT IS SO ORDERED.

Dated: September 2, 2015

Isl Michael J. Seng
UNITED STATES MAGISTRATE JUDGE