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

<b>EUGENE FORTE</b>	)	<b>1:11-cv-00718 AWI-BAM</b>
	)	
<b>Plaintiff,</b>	)	<b>SCHEDULING ORDER RE:</b>
	)	<b>COMPETENCY HEARING</b>
<b>v.</b>	)	<b>AND RELATED ORDERS</b>
	)	
<b>TOMMY JONES, an individual, and</b>	)	
<b>DOES 1-100, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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On May 29, 2013, a status conference was held in the above captioned case 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 at trial. See Doc. # 44 at 3:12-14 (stating disputed evidentiary issue of Plaintiff’s competence as a result of the determination of Plaintiff’s incompetence to stand trial on misdemeanor criminal charges by Merced County Superior Court in People v. Gene Forte, CRL003409). On the basis of status reports filed by the parties in this case, and on the basis of Plaintiff’s requests for appointment of guardian ad litem and appointment of counsel in this case (Doc. #'s 66 and 67) and in Case Number 1:11-cv-00318 (Doc. # 134), the court determined that it cannot proceed further in either case until the issue of Plaintiff’s mental competence is resolved. Because this court’s determination of Plaintiff’s competence to present evidence and

1 represent himself in civil trial will affect both cases 1:11-cv-00718 and 1:11-cv-00318  
2 equally, the Defendant parties in Case Number 1:11-cv-00318 will be provided notice of the  
3 competency hearing and an opportunity to present argument and evidence.  
4

5 THEREFORE it is hereby ordered that the parties shall each appear at a hearing on  
6 the single issue of Plaintiff's competence to present evidence and to represent himself at trial  
7 in the two civil cases now before this court to be held Tuesday, July 9, 2013, at 9:00 a.m. in  
8 Courtroom 2. Any documents not currently filed with the court that either party may wish the  
9 court to consider, including written summaries of arguments and evidence to presented at the  
10 hearing, shall be filed and served not later than 4:00 p.m. on June 28, 2013.

11 IT IS SO ORDERED.

12 Dated: May 29, 2013



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14 SENIOR DISTRICT JUDGE  
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