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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,  
  
                                Plaintiff,  
  
          v.  
  
LEWIS, et al.,  
  
                                Defendants.

Case No. 1:11-cv-01565 LJO-DLB PC

**ORDER DIRECTING DEFENDANTS  
TO FILE STATUS REPORT BY  
WEDNESDAY, DECEMBER 18, 2013,  
AT 12:00 P.M.**

Plaintiff Durrell Anthony Puckett (“Plaintiff”) is proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Pursuant to the July 25, 2013, Second Scheduling Order, this matter is set for trial on January 7, 2014. The action is proceeding on (1) an Eighth Amendment excessive force claim against Defendants Keener, Johnson, and Guajardo; and (2) a retaliation claim against Defendant Keener based on his ordering of the August 24, 2010, attack, and his alleged destruction of Plaintiff’s legal property.

On December 6, 2013, the Court held the mandatory Telephonic Trial Confirmation Hearing before the Honorable Lawrence J. O’Neill, United States District Court Judge.<sup>1</sup> Mitchell Wrosch appeared telephonically on behalf of Defendants. Plaintiff did not appear.

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<sup>1</sup> The hearing was set by order dated July 25, 2013.

1 Based on Plaintiff's failure to appear, the Court issued an order to show cause on December  
2 16, 2013. Plaintiff was ordered to show cause, within ten days, why this action should not be  
3 dismissed for his failure to appear at the mandatory hearing without explanation.

4 On December 16, 2013, Defendants' counsel filed a declaration indicating that he has been  
5 informed that Plaintiff, who is now in the custody of the Department of State Hospitals ("DSH"), is  
6 considered an extreme security risk and that extraordinary measures must be taken when Plaintiff is  
7 removed from his cell. Wrosch Decl. ¶ 7. Counsel was informed that in the days prior to the  
8 December 6, 2013, hearing, CDCR staff met with DSH staff to discuss how to safely and securely  
9 remove Plaintiff from his cell in order to use the phone. Wrosch Decl. ¶ 8. On December 6, 2013,  
10 DSH failed to transfer Plaintiff to a telephone, though Counsel has not been provided with any  
11 information as to why Plaintiff was not made available. Wrosch Decl. ¶ 9. Counsel does not have a  
12 contact person at DSH to obtain additional information.

13 Plaintiff did not file a response to the order to show cause.

14 Accordingly, in light of Defendants' information and the upcoming January 7, 2014, trial  
15 date, Defendants are ORDERED to file a status report, NO LATER than Wednesday, December 18,  
16 2013, at 12:00 p.m., setting forth their input as to how this action should proceed.

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19 IT IS SO ORDERED.

20 Dated: December 17, 2013

/s/ Dennis L. Beck  
21 UNITED STATES MAGISTRATE JUDGE  
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