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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DWAYNE MEREDITH,  
Plaintiff,  
v.  
D. OVERLEY, et al.,  
Defendants.

Case No. 1:12-cv-00455-MJS (PC)

**ORDER:**

- 1) **GRANTING DEFENDANTS' MOTION TO CONTINUE TRIAL DATE (ECF No. 123);**
- 2) **VACATING OCTOBER 1, 2015 TRIAL DATE (ECF No. 97);**
- 3) **VACATING WRITS OF *HABEAS CORPUS* FOR TRANSPORT OF PLAINTIFF AND HIS INMATE WITNESS (ECF Nos. 109 & 110); AND**
- 4) **RESETTING TRIAL FOR:**

**Date: October 28, 2015**  
**Time: 8:30 a.m., Courtroom 6 (MJS)**

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in a civil rights action pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment conditions of confinement claim against Defendants Overley, Benevidez, and Gamboa. (ECF No. 8.)

Before the Court is Defendants' September 8, 2015 motion to advance the trial

1 date from October 1, 2015 to October 28, 2015. (ECF No. 123.)

2 Defendants express concern that the trial will last longer than a day and cite  
3 defense counsel's scheduling conflicts on October 2, which would otherwise be the  
4 second day of trial, as a reason to continue the trial. While remaining hopeful that the  
5 trial can be completed in a day, the Court will, out of an abundance of caution, move the  
6 trial date to the end of October.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. Defendants' motion to continue the trial date (ECF No. 123) is GRANTED;
- 9 2. The jury trial scheduled for October 1, 2015, at 8:30 a.m. (ECF No. 97) is  
10 VACATED;
- 11 3. The jury trial is RESET for **October 28, 2015, at 8:30 a.m., in Courtroom 6**;
- 12 4. The writs of *habeas corpus ad testificandum* that issued August 11, 2015 for  
13 Plaintiff (ECF No. 110) and witness Paul Sanders (ECF No. 109) are  
14 VACATED.

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16 IT IS SO ORDERED.

17 Dated: September 9, 2015

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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