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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

vs.

RODOLFO AGUIRRE, et al.,

Defendants.

) 1:12cv01343 AWI DLB PC
)
)

**ORDER SETTING
EVIDENTIARY HEARING**

**Hearing: December 16, 2015, at 10:00 a.m.
in Courtroom 6 (DLB)**
)
)

Plaintiff Bryan E. Ransom (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action. Defendants paid the filing fee and removed the action to this Court on August 16, 2012.

On December 30, 2014, Defendants filed a motion for partial summary judgment based on Plaintiff’s failure to exhaust his administrative remedies. On September 30, 2015, the Court denied the motion pending an evidentiary hearing and referred the action back to the Magistrate Judge for further proceedings.

Accordingly, the Court SETS an evidentiary hearing on **December 16, 2015, at 10:00 a.m., in Courtroom 6 (DLB).**

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1 The hearing will be limited to the issues of whether Plaintiff (1) submitted two inmate
2 appeals to the Third Watch building officer- one on August 17, 2011, alleging that on July 29,
3 2011, he informed Warden Hubbard that medical staff refused to increase his liquid diet, and that
4 officials were misinterpreting Operating Procedure 1051, and the second on October 22, 2011,
5 alleging that Defendant Kernan had been placed on notice that prison officials were withholding
6 food and failed to intervene; and (2) filed two claims, both placed in sealed envelopes and given
7 to prison officials for mailing to the California Victim Compensation and Government Claims
8 Board on January 1, 2012- one alleging that Defendant Kernan was told about the denial of food
9 and failed to intervene, and the second alleging that between August 1, 2011, and October 15,
10 2011, Corcoran staff discontinued and/or failed to increase his liquid diet and discharged him
11 back to his cell, where his food continued to be withheld pursuant to a misinterpretation of
12 Operating Procedure 1051.
13

14 The parties should be prepared to present evidence on these issues. The hearing will
15 commence and conclude on December 16, 2015.

16 The Court further ORDERS:

- 17 1. No later than November 18, 2015, the parties SHALL meet and confer, by
18 telephone or in person, regarding the witnesses to be called and evidence to be
19 presented at the hearing;
- 20 2. No later than December 2, 2015, defense counsel SHALL file a statement setting
21 forth the witnesses to be called and the documents to be presented at the hearing;
22 and
- 23 3. Defense counsel SHALL provide four (4) copies of all exhibits to be used at the
24 hearing to Judge Beck's chambers no later than December 9, 2015.
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IT IS SO ORDERED.

Dated: October 6, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE