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

MICHAEL J. SULLIVAN,  
  
Plaintiff,  
  
v.  
  
CHEN, *et al.*,  
  
Defendants.

1:12-cv-01662-AWI-EPG-PC  
  
ORDER RE-SETTING AN INITIAL  
SCHEDULING CONFERENCE  
  
Date: **December 11, 2017**  
Time: **1:30 p.m.**  
  
**Honorable Erica P. Grosjean, Courtroom 10**

Plaintiff, Michael J. Sullivan (“Plaintiff”), is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff’s Second Amended Complaint filed on February 13, 2015, on his

1 Eighth Amendment claims for deliberate indifference to serious medical needs against  
2 Defendants Chen, Patel, and Marchiano. (ECF No. 57.)

3 On May 1, 2017, the Court held an initial scheduling conference. (ECF No. 86).  
4 Plaintiff failed to appear, failed to serve Defendants with his initial disclosures, failed to file a  
5 scheduling conference statement, and failed to respond to any of Defendants' discovery  
6 requests. (ECF No. 87). The Court issued an order to show cause for failure to appear and  
7 rescheduled the initial scheduling conference for May 15, 2017. (ECF No. 86, 87.) Plaintiff  
8 failed to appear at the conference/hearing on May 15, 2017 and failed to file any document  
9 responding to the order to cause.

10 Thereafter, the Court issued findings and recommendations, recommending that this  
11 case be dismissed for Plaintiff's failure to comply with court orders and failure to prosecute this  
12 action. (ECF No. 88). On August 1, 2017, the Court discharged the order to show cause and  
13 vacated the findings and recommendations. (ECF No. 99). The Court also directed Plaintiff to  
14 serve his initial disclosures by September 1, 2017 and to file a scheduling conference statement  
15 by September 13, 2017. *Id.* An initial scheduling conference was set for September 27, 2017, at  
16 10:30 a.m. *Id.*

17 Plaintiff filed his initial disclosures and scheduling conference statement on September  
18 5, 2017. On September 8, 2017, Defendants Chen and Patel filed a motion to dismiss for failure  
19 to comply with the Court's order requiring service of initial disclosures by September 1, 2017.  
20 (ECF No. 101.)

21 On September 27, 2017, the initial scheduling conference was to be held. (ECF No. 99).  
22 Defendants' counsel, Catherine Woodbridge, appeared telephonically, and informed the Court  
23 that Plaintiff would not appear due to a medical issue. Therefore, the Court shall reset the initial  
24 scheduling conference.  
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26 Accordingly, based on the foregoing, IT IS ORDERED THAT:  
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1. An initial scheduling conference is set before Magistrate Judge Erica P. Grosjean on December 11, 2017 at 1:30 p.m. at the Robert E. Coyle Federal Courthouse, 2500 Tulare Street, Fresno, CA 93721 in Courtroom #10;
2. Plaintiff must appear telephonically. Defendants’ counsel may either appear in person or telephonically. To appear telephonically, the parties are directed to use the following dial-in number and passcode: 1-888-251-2909, passcode 1024453;
3. Plaintiff shall make arrangements with staff at his institution of confinement for his attendance at the continued conference. Plaintiff’s institution of confinement shall make Plaintiff available for the conference at the date and time indicated above. Prior to the conference defense counsel shall confirm with Plaintiff’s institution of confinement that arrangements have been made for Plaintiff’s attendance;
4. Failure to comply with this order may result in dismissal of this case for failure to comply with a court order and failure to prosecute.

IT IS SO ORDERED.

Dated: October 4, 2017

/s/ Erica P. Grosjean  
UNITED STATES MAGISTRATE JUDGE