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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHNATHAN HILL,  
Plaintiff,

vs.

C/O J. CLARK, and  
C/O A. RIVAS,  
Defendants.

1:13-cv-00386-EPG-PC

ORDER GRANTING PLAINTIFF'S  
MOTION TO REINSTATE MOTION FOR  
SANCTIONS AND SETTLEMENT, AND  
DENYING MOTION FOR APPOINTMENT  
OF COUNSEL  
(ECF No. 72.)

ORDER REINSTATING AND DENYING  
MOTION FOR SANCTIONS AND  
SETTLEMENT  
(ECF No. 66.)

Johnathan Hill ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This case is scheduled for trial before Magistrate Judge Erica P. Grosjean on April 12, 2016.<sup>1</sup>

On January 12, 2016, Plaintiff filed a motion to reinstate his Motion for Sanctions and Settlement filed on December 4, 2015 (ECF No. 66), which Plaintiff withdrew from the Court's calendar on December 16, 2015. (ECF No. 72.) Good cause appearing, the Motion for Sanctions and Settlement shall be reinstated, but for the reasons described below, the Court will deny the motion. Plaintiff also requests appointment of counsel, which shall be denied.

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<sup>1</sup> The parties have consented to Magistrate Judge jurisdiction under 28 U.S.C. 636(c), and on August 10, 2015, this case was reassigned to Magistrate Judge Erica P. Grosjean for all further proceedings, including trial and entry of final judgment. (ECF No. 45.)

1 Following the November 20, 2015 trial confirmation hearing, the Court issued an order  
2 establishing pretrial dates and deadlines for the parties. Pursuant to the order, issued on  
3 November 23, 2015, the deadline for submission of motions *in limine* and defendants' motion  
4 for bifurcation of punitive damages is January 13, 2015. (ECF No. 63.) Responses to motions  
5 *in limine* and Defendants' bifurcation motion are due on January 27, 2015. (Id.) A hearing on  
6 motions *in limine* and the bifurcation issue is scheduled for February 3, 2016 at 10:00 a.m. in  
7 Courtroom 10 before Judge Grosjean. (Id.) Issues regarding motions *in limine* and bifurcation  
8 will be discussed at the February 3, 2016 hearing. Trial remains scheduled for April 12, 2016  
9 at 8:30 a.m. before Judge Grosjean. (Id.)

10 No new counsel will be appointed for Plaintiff. Moreover, no settlement conference  
11 shall be scheduled by the Court unless Defendants also indicate a desire to participate in  
12 settlement negotiations before the Court.

13 Plaintiff requests sanctions by "an order disallowing the defense to support their claims,  
14 or defenses," with their "amended interrogatory" evidence. (ECF No. 66 at 4:1-14.) Plaintiff  
15 offers no argument in support of this request, and the Court finds no good cause to grant it.

16 Based on the foregoing, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's motion to reinstate his Motion for Sanctions and Settlement is  
18 GRANTED;
- 19 2. Plaintiff's Motion for Sanctions and Settlement is REINSTATED on the Court's  
20 calendar and DENIED, without prejudice; and
- 21 3. Plaintiff's motion for appointment of counsel is DENIED.

22  
23 IT IS SO ORDERED.

24 Dated: January 14, 2016

25 /s/ Eric P. Grosjean  
26 UNITED STATES MAGISTRATE JUDGE  
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