1		
2		
3		
4		
5		
6		
7		
8	UNITED STAT	'ES DISTRICT COURT
9	EASTERN DIST	RICT OF CALIFORNIA
10		
11	COREY MITCHELL,	Case No. 1:13-cv-01324-DAD-EPG-PC
12	Plaintiff,	ORDER VACATINING TRIAL
13	v.	SCHEDULING ORDER AND SETTING STATUS CONFERENCE
14	CHAVEZ, et al.,	ORDER DENYING MOTIONS AS MOOT
15	Defendants.	(ECF Nos. 70, 84)
16		
17	Plaintiff Corey Mitchell, an inmate in	the custody of the California Department of
18	Corrections and Rehabilitation ("CRCR") has	s alleged a claim under the Eighth Amendment
19	against Defendant Correctional Officer ("C/C	)") Chavez and Defendant Sergeant Sheldon for
20	failure to protect.	
21	On December 15, 2016, plaintiff filed	a motion to appoint counsel. (ECF No. 72.) The
22	Court granted the motion to appoint counsel of	on January 3, 2017. (ECF No. 73.) Prior to the
23	appointment of counsel, the Court entered a t	rial scheduling order. (ECF No. 70.) That order set
24	various deadlines and hearings, including a T	elephonic Trial Confirmation Hearing on February
25	6, 2017 and a Jury Trial set for March 7, 2017	7 before District Judge Dale A. Drozd. (Id.) Prior to
26	receiving notification of appointment of coun	sel, Plaintiff filed several motions for the attendance
27	of witnesses at the March 7 trial. (ECF Nos. 7	77-79.)
28	On January 20, 2017, the parties filed	a stipulation to vacate the deadlines and hearings set

1		
2	by the trial scheduling order and setting a telephonic status before Judge Erica P. Grosjean in	
3	order to set a new trial schedule. (ECF No. 84) The Court finds good cause to vacate the	
4	scheduling order and hold a status conference to select new dates including the trial date.	
5	Note that the Court intends to schedule those dates as close to the current schedule as	
6	possible and does not anticipate a lengthy delay before trial. The parties should continue to	
7	prepare diligently for trial.	
8	The parties should also be prepared to address the motions for attendance of incarcerated	
9	witnesses during the status conference. (ECF Nos. 77-79)	
10	IT IS ORDERED that the deadlines and hearings set by the December 14, 2016 trial	
11	scheduling order are hereby VACATED. (ECF No. 70)	
12	A Status Conference is hereby set for February 6, 2017 at 2:00 p.m. in Courtroom 10	
13	(EPG) before Magistrate Judge Erica P. Grosjean.	
14		
15	IT IS SO ORDERED.	
10		
16	Dated: January 23, 2017 /s/ Encir P. Group	
	Dated: January 23, 2017 /s/ Encir P. Story- UNITED STATES MAGISTRATE JUDGE	
16		
16 17		
16 17 18		
16 17 18 19		
16 17 18 19 20		
16 17 18 19 20 21		
16 17 18 19 20 21 22		
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>		
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>		
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>		
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>		
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>		