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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FEDERICO HERNANDEZ,

Plaintiff,

v.

M. HERNANDEZ, et al.,

Defendants.

CASE NO. 1:13-cv-01625-MJS (PC)

ORDER:

- 1) VACATING TRIAL AND WRITS OF *HABEAS CORPUS AD TESTIFICANDUM* TO TRANSPORT PLAINTIFF AND INMATE WITNESSES (ECF Nos. 86, 93, 94, 95 & 96)**

- 2) DIRECTING DISPOSITIVE DOCUMENTS AFTER NOTICE OF SETTLEMENT TO BE FILED WITHIN SIXTY (60) DAYS (ECF No. 146)**

Plaintiff is a state prisoner proceeding *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against Defendants Hernandez, Zambrano, Clark, Rodriguez, and Martin on Plaintiff's Eighth Amendment excessive force claim.

Trial was set for August 11, 2015. (ECF No. 86). On August 6, 2015, the parties notified the Court that they had settled the above-captioned matter in its entirety, and requested the Court to vacate the trial date and the writs of *habeas corpus ad testificandum* requiring Plaintiff and his three inmate witnesses to be transported for trial. (ECF No. 146.)

1 In accordance with the provisions of Local Rule 160 (Fed. R. Civ. P. 16), the
2 Court now orders that all dispositive documents be submitted no later than sixty (60)
3 days from the date of service of this Order. If the parties conclude they cannot comply
4 with this Order within the time allotted, they shall, before expiration of that time, file a
5 request for extension and include therein their reasons for believing the Order cannot be
6 complied with.

7 Failure to comply with this order may be grounds for the imposition of sanctions
8 against anyone who contributes to its violation.

9 Accordingly, it is HEREBY ORDERED:

- 10 1. The jury trial scheduled for August 11, 2015, at 8:30 a.m. (ECF No. 86) is
11 VACATED;
- 12 2. The writs of *habeas corpus ad testificandum* issued June 22, 2015 for
13 Federico Hernandez (ECF No. 93); Thomas Brennick (ECF No. 94);
14 Christopher Thayer (ECF No. 95); and Barry Vance (ECF No. 96) are
15 VACATED; and
- 16 3. The parties shall file dispositional documents within **sixty (60) days** of service
17 of this order.

18 IT IS SO ORDERED.

19 Dated: August 6, 2015

20 /s/ Michael J. Seng
21 UNITED STATES MAGISTRATE JUDGE
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