| 1 | | | |
|----|---|--|--|
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | EASTERN DISTRICT OF CALIFORNIA | | |
| 10 | | | |
| 11 | HOMER EARL HAWKINS, | Case No. 1:14-cv-00009-BAM (PC) | |
| 12 | Plaintiff, | ORDER DIRECTING DEFENDANT TO RESPOND TO PLAINTIFF'S MOTION TO | |
| 13 | v. | CONTINUE TELEPHONIC TRIAL CONFIRMATION HEARING | |
| 14 | S. IBARRA, | | |
| 15 | Defendant. | (ECF No. 56) | |
| 16 | | | |
| 17 | Plaintiff Homer Earl Hawkins ("Plaintiff") is a state prisoner proceeding pro in this civil | | |
| 18 | rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff's claim against defendant | | |
| 19 | S. Ibarra ("Defendant") for excessive force in violation of the Eighth Amendment. All parties | | |
| 20 | have consented to magistrate judge jurisdiction. (ECF No. 4, 48.) A telephonic trial confirmation | | |
| 21 | hearing is scheduled for March 22, 2017, and trial is scheduled for June 6, 2017. | | |
| 22 | On February 17, 2017, Plaintiff filed document entitled "Request to Intervene into the | | |
| 23 | Second Scheduling Order." Plaintiff requests that the Court extend the telephonic trial | | |
| 24 | confirmation hearing due to water damage at Plaintiff's institution which has precluded Plaintiff | | |
| 25 | from preparing for the hearing. (ECF No. 56.) The Court construes the request as a motion to | | |
| 26 | continue the telephonic trial confirmation hearing. The Court finds a response from Defendant | | |
| 27 | regarding this motion to be necessary. Therefore, Defendant shall file a response to Plaintiff's | | |
| 28 | motion by March 1, 2017. | | |
| | | 1 | |

| 1 | Accordingly, the Court HEREBY ORDERS that Defendant shall file a response to | |
|----|---|--------------------------------|
| 2 | Plaintiff's motion to continue the telephonic trial confirmation hearing no later than March 1, | |
| 3 | 2017. | |
| 4 | | |
| 5 | IT IS SO ORDERED. | |
| 6 | Dated: February 21, 2017 | /s/ Barbara A. McAuliffe |
| 7 | | UNITED STATES MAGISTRATE JUDGE |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | | |
| 28 | | |
| | | 2 |