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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA  
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9 HOMER EARL HAWKINS,

10 Plaintiff,

11 v.

12 S. IBARRA,

13 Defendant.  
14  
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16  
17

) 1:14-cv-00009-BAM (PC)  
)

) ORDER CONTINUING TELEPHONIC  
) TRIAL CONFIRMATION HEARING  
)

) ORDER DENYING PLAINTIFF’S MOTION  
) TO CONTINUE TELEPHONIC TRIAL  
) CONFIRMATION HEARING AS MOOT  
) AND VACATING ORDER DIRECTING  
) DEFENDANT TO RESPOND TO  
) PLAINTIFF’S MOTION  
)

) (ECF Nos. 56, 57)  
)  
)  
)

18 Plaintiff Homer Earl Hawkins (“Plaintiff”) is a state prisoner proceeding pro se in this  
19 civil rights action pursuant to 42 U.S.C. § 1983. A telephonic trial confirmation hearing is  
20 scheduled for March 22, 2017, and a trial is scheduled for June 6, 2017.

21 On February 17, 2017, Plaintiff filed a motion requesting that the Court extend the  
22 telephonic trial confirmation hearing. (ECF No. 56.) Finding a response to the motion  
23 necessary, on February 21, 2017, the Court directed Defendant to respond to Plaintiff’s motion  
24 no later than March 1, 2017. (ECF No. 57.) To date, no response has been filed.

25 On February 24, 2017, the Court set this matter for a settlement conference before  
26 Magistrate Judge Stanley A. Boone on March 24, 2017. In light of the settlement conference, the  
27 telephonic trial confirmation hearing currently set for March 22, 2017, at 10:00 a.m. is HEREBY  
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1 CONTINUED to **April 12, 2017, at 10:00 a.m. in Courtroom 8 (BAM)** before Magistrate  
2 Judge Barbara A. McAuliffe.

3 Based on the continued telephonic trial confirmation hearing, Plaintiff's motion to extend  
4 the date for the telephonic trial confirmation hearing is now moot and a response to that motion  
5 is no longer necessary. Accordingly, Plaintiff's motion to extend the telephonic trial  
6 confirmation hearing is HEREBY DENIED as moot, and the Court's order directing Defendant  
7 to file a response to Plaintiff's motion by March 1, 2017, is HEREBY VACATED.

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9 IT IS SO ORDERED.

10 Dated: **February 24, 2017**

*/s/ Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE