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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PERRY C. BLAIR,)	Case No.: 1:14-cv-01156-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER SETTING ALBINO EVIDENTIARY
v.)	HEARING TO DETERMINE DISPUTED ISSUES
)	OF FACT REGARDING EXHAUSTION OF THE
CDCR, et al.,)	ADMINISTRATIVE REMEDIES
)	
Defendants.)	[ECF No. 103]
)	
)	

Plaintiff Perry C. Blair is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 30, 2018, Defendants’ exhaustion related motion for summary judgment was granted in part and denied in part. More specifically, Plaintiff’s Eighth Amendment claim regarding labeling him a snitch against Defendants Sanchez, Chan, Alva, Johnson, Ybarra, Esqueda and Santos and Eighth Amendment claim regarding housing him with inmate Russ against Defendants Chan and Sanchez were dismissed, without prejudice. (ECF No. 103.) The Court found that material disputes of fact exist whether Plaintiff exhausted the administrative remedies as to his Eighth Amendment claim against Defendant Alva for housing him with inmate Baker and Due Process claim against Defendant Ybarra. (Id.)

In order to resolve the disputes of fact, the Court sets an Albino evidentiary hearing before the undersigned on **Thursday, October 11, 2018, at 10:30 a.m.** in Courtroom 9. A separate order and

1 writ of habeas corpus ad testificandum for Plaintiff will be issued as the hearing approaches. The
2 parties shall arrange to bring and present their witnesses and evidence during the evidentiary hearing.

3 Any unincarcerated witnesses may appear voluntarily without further order of the Court. To
4 the extent that the parties seek to have incarcerated witnesses appear for the evidentiary hearing, all
5 motions for the attendance of incarcerated witnesses must be filed on or before **August 21, 2018**. The
6 witnesses must have relevant evidence regarding the issues described above. The motion should be
7 entitled "Motion for Attendance of Witnesses." The motion must: (1) state the name, address, and prison
8 identification number (if any) of each witness to be called; (2) explain what relevant information each
9 witness has, and how that witness has personal knowledge of the relevant information; and (3) state
10 whether each such witness is willing to voluntarily testify. Any opposition to a motion for the attendance
11 of incarcerated witnesses must be filed on or before **August 28, 2018**.

12 No later than **September 10, 2018**, the parties shall confer regarding the witnesses to be called
13 and the evidence to be presented at the hearing. No later than **September 17, 2018**, each party shall file
14 and serve a witness list. The parties shall be prepared to submit exhibits in proper form at the
15 evidentiary hearing, with proper foundation. The original and two copies of all exhibits, along with
16 exhibit lists, shall be submitted to Courtroom Deputy Mamie Hernandez no later than **September 24,**
17 **2018**. Plaintiff's exhibits shall be pre-marked using numbers beginning with 1 (e.g., 1, 2, etc.).
18 Defendants' exhibits must be pre-marked using letters beginning with A (e.g., A, B, C ... AA, BB, CC
19 ... AAA, BBB, CCC, etc.).

20
21 IT IS SO ORDERED.

22 Dated: August 7, 2018



UNITED STATES MAGISTRATE JUDGE