

1 will be limited to the issue of whether Plaintiff is excused from the Prison Litigation
2 Reform Act's exhaustion requirement because administrative remedies were "effectively
3 unavailable."

4 More specifically, the parties should be prepared to present evidence as to the
5 following:

- 6 • Whether Plaintiff's Appeal No. VSP-D-13-02232 was timely and properly
7 resubmitted on October 1, 2013 after it was cancelled on September 30,
8 2013;
- 9 • Whether Appeals Coordinators failed to respond to or otherwise process
10 Plaintiff's resubmitted Appeal No. VSP-D-13-02232;
- 11 • Whether prison officials failed to respond to or otherwise process Plaintiff's
12 October 27, 2013 and November 24, 2013 CDCR Forms 22 inquiring
13 about the status of resubmitted Appeal No. VSP-D-13-02232; and
- 14 • Whether Plaintiff had a reasonable, good faith belief that the administrative
15 appeals process was effectively unavailable to him.

16 In preparation for the hearing, it is HEREBY ORDERED that, no later than April
17 26, 2017, the parties shall confer regarding the witnesses to be called and evidence to
18 be presented at the hearing. No later than May 10, 2017, defense counsel shall file a
19 statement setting forth the witnesses to be called and documents to be presented.
20 Defense counsel shall provide a courtesy copy of all exhibits to be used at the hearing to
21 Plaintiff and to Judge Seng's chambers no later than May 10, 2017.

22
23 IT IS SO ORDERED.

24 Dated: March 13, 2017

/s/ Michael J. Seng
25 UNITED STATES MAGISTRATE JUDGE