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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES W. WINDHAM,
Plaintiff,
v.
M. MARIN, et al.,
Defendants.

Case No. 1:14-cv-01636-DAD-BAM (PC)
ORDER SETTING TELEPHONIC STATUS
CONFERENCE
Date: July 28, 2017
Time: 9:30 a.m.

Plaintiff Charles W. Windham (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s Eighth Amendment claims of excessive force against Defendants M. Marin, D. Uribe, W. Rasley, J. Contreras, A. Capano, R. Rubio, and Doe #1, and for deliberate indifference to serious medical needs against Defendants C. Navarro, V. Morales, M. Marin, and S. Shiver.

Currently pending before the Court are: Defendants’ motion for summary judgment based on Plaintiff’s failure to exhaust administrative remedies, (ECF No. 49); Plaintiff’s motion for sanctions and contempt, (ECF No. 100); Plaintiff’s motion for evidentiary hearing, (ECF No. 101); and Defendants’ motion for terminating sanctions, or in the alternative, motion for evidentiary sanctions, (ECF No. 105).

In support of his motions for sanctions, contempt, and evidentiary hearing, Plaintiff contends that Defendants continue to withhold his legal property in violation of the Court’s order. Plaintiff asserts that without his legal property, he is unable to respond to Defendant’s special interrogatories. (ECF No. 100.) Defendants in turn contend that Plaintiff should be sanctioned for failing to respond, without objections, to Defendants’ special interrogatories in violation of the Court’s order. (ECF No. 105.) Defendants assert that they have located and returned all of

1 Plaintiff's property. (ECF No. 98.)

2 In light of the parties' inability to resolve the issue of Plaintiff's legal property, the Court
3 finds it appropriate to set a telephonic status conference in this case. The parties shall be prepared
4 to address what efforts have been made to locate and return Plaintiff's legal property, and what
5 items, if any, are missing and necessary for Plaintiff to respond to Defendant's special
6 interrogatories.

7 Accordingly, the Court HEREBY ORDERS that this matter is set for a telephonic status
8 conference on **July 28, 2017, at 9:30 a.m.** before the undersigned. The parties shall appear
9 telephonically by using the following dial-in number and passcode at the time set for the hearing:
10 dial-in number 1-877-411-9748; passcode 3190866. Counsel for Defendants is required to
11 arrange for Plaintiff's participation by contacting the litigation coordinator at the institution where
12 Plaintiff is housed.

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14 IT IS SO ORDERED.

15 Dated: July 12, 2017

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

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