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

ALBERT J. HAMILTON,)	Case No.: 1:15-cv-00661-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION FOR
v.)	CASE CONFERENCE AND MOTION FOR
)	SERVICE OF SUBPOENAS FOR TRIAL
CHENDEHEN,)	
)	[ECF Nos. 52 & 53]
Defendant.)	
)	
)	

Plaintiff Albert J. Hamilton is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on May 28, 2015. Local Rule 302.

On July 5, 2016, Plaintiff filed a motion for a case conference and motion for court to serve subpoenas for trial. (ECF Nos. 52 & 53.) Plaintiff’s motions must be denied.

**I.
DISCUSSION**

I. Motion for Case Conference

Plaintiff requests the Court conduct “some kind of case conference.” (ECF No. 52.) Plaintiff is advised that the Court does not and will not conduct a conference merely at the request of one of the parties and there is no basis to conduct a conference in this case at the present time. Indeed, on May 19, 2016, Defendants filed a motion to dismiss the action for failure to state a cognizable claim for

1 relief, which is presently pending review by the Court. Pursuant to Local Rule 230(1), all motions
2 filed in this case are deemed submitted after the deadline for filing an opposition and reply has
3 expired, unless the Court determines that a hearing is necessary. The Court has not determined that a
4 hearing is necessary and not order on the motion to dismiss has been issued. Accordingly, Plaintiff's
5 motion for a case conference must be denied.

6 **II. Motion for Service of Subpoenas for Trial**

7 Plaintiff requests that the Court serve subpoenas for two inmate witnesses to be presented at
8 trial. Plaintiff's motion must be denied as premature. First, this case is not yet ripe for trial as a
9 motion to dismiss is pending, and a discovery and scheduling order has not issued. Second, Plaintiff
10 cannot simply request that subpoenas issue without complying with the necessary procedural
11 requirements which will be provided at a later date if appropriate. Accordingly, Plaintiff's motion for
12 the issuance of subpoenas must be denied.

13 **II.**

14 **ORDER**

15 Based on the foregoing, it is HEREBY ORDERED that:

- 16 1. Plaintiff's motion for a case conference is DENIED; and
17 2. Plaintiff's motion for service of subpoenas is DENIED.

18
19 IT IS SO ORDERED.

20 Dated: July 6, 2016



21 UNITED STATES MAGISTRATE JUDGE