

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**

7 **EASTERN DISTRICT OF CALIFORNIA**

8
9 MICHAEL HERNANDEZ GONZALEZ,

10 Plaintiff,

11 v.

12 THE FRESNO SHERIFF'S
13 DEPARTMENT, et al.,

14 Defendants.

Case No. 1:15-cv-01200-BAM (PC)

**ORDER DENYING PLAINTIFF'S MOTION
FOR A TRIAL DATE**

(ECF No. 71)

15 Plaintiff Michael Hernandez Gonzalez ("Plaintiff"), who was a pretrial detainee at the
16 time of the incident, is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant
17 to 42 U.S.C. § 1983. This action proceeds against Defendants Mims, Gutierrez, Palacios, and
18 Nemoto for allegedly failing to protect Plaintiff in violation of the Fourteenth Amendment. The
19 Court issued an amended discovery and scheduling order on March 20, 2018. (ECF No. 68.)

20 Currently before the Court is Plaintiff's motion to set a trial date, as well as a request to
21 update his mailing address, filed August 21, 2018. (ECF No. 71.)

22 Plaintiff's request to set this matter for trial is premature. Discovery has just concluded on
23 August 20, 2018, and the deadline for dispositive motions (other than a motion for summary
24 judgment for failure to exhaust) is October 19, 2018. Defendants have not indicated that they
25 wish to forego filing a dispositive motion in this matter, and therefore this action is not ready to
26 set for trial.

27 To the extent Plaintiff merely requests that the Court set a trial date so that he may inform
28 Defendants of his new address, Plaintiff is informed that the Court has updated his mailing

1 address on the docket, and Defendants will receive notice of that. However, Plaintiff is also
2 reminded that he is responsible for notifying the Court and all other parties of any changes to his
3 mailing address.

4 Accordingly, Plaintiff's motion to set a trial date, (ECF No. 71), is DENIED.

5
6 IT IS SO ORDERED.

7 Dated: August 22, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE