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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARIO MOLINA,  
Plaintiff,  
v.  
K. HOLLAND, et al.,  
Defendants.

CASE NO. 1:15-cv-01260-EPG (PC)  
ORDER SETTING CONFERENCE  
REGARDING SETTING OF AN  
EVIDENTIARY HEARING  
(ECF NO. 37)

On April 27, 2017, Defendants filed a motion for summary judgment under Federal Rule of Civil Procedure 56, arguing that Plaintiff failed to exhaust his administrative remedies prior to filing this case. (ECF No. 37). On May 15, 2017, Plaintiff filed his opposition to the motion. (ECF No. 41). On May 22, 2017, Defendants filed their reply and objections to Plaintiff's evidence. (ECF Nos. 43 & 44). After reviewing the evidence, the Court has determined that there is a dispute of material fact and that an Albino evidentiary hearing is necessary. See Albino v. Baca, 747 F.3d 1162, 1170 (9th Cir. 2014). Accordingly, the Court will set a conference regarding the setting of an evidentiary hearing. The parties should also be prepared to discuss the procedures and scope of the evidentiary hearing.

In accordance with the above, IT IS HEREBY ORDERED that:

1. A conference regarding the setting of an evidentiary hearing is set before Magistrate Judge Erica P. Grosjean on May 31, 2017, at 11:00 a.m. at the Robert E. Coyle

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Federal Courthouse, 2500 Tulare Street, Fresno, CA 93721 in Courtroom #10;

2. Counsel for Defendants is required to arrange for the participation of Plaintiff in the conference; and
3. Plaintiff must appear telephonically. Defendants' counsel may either appear in person or telephonically. To appear telephonically, the parties are directed to use the following dial-in number and passcode: 1-888-251-2909; passcode 1024453.

IT IS SO ORDERED.

Dated: May 22, 2017

/s/ Eric P. Shroy  
UNITED STATES MAGISTRATE JUDGE