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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	REGINALD RAY YORK,	Case No. 1:15-cv-01828-DAD-BAM (PC)	
12	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION FOR COURT ORDER REGARDING DELAY IN COURT PROCEEDINGS AS MOOT AND	
13	V.		
14	GARCIA, et al.,	DENYING PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE REGARDING	
15	Defendants.	ASSIGNMENT OF NEW DEFENSE COUNSEL	
16		(ECF No. 144)	
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18	Plaintiff Reginald Ray York ("Plaintiff") is a state prisoner proceeding pro se in this civil		
19	rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's Eighth Amendment		
20	claims against Defendant Garcia for excessive use of force and against Defendant Neighbors for		
21	failure to protect. This case is set for a telephonic trial confirmation hearing on December 13,		
22	2021 and a jury trial commencing March 1, 2022 before District Judge Dale A. Drozd.		
23	On September 21, 2021, attorney Darby Michelle Williams was designated for service on		
24	behalf of Defendants, and attorney Byron Miller was terminated from the service list in this case.		
25	(ECF No. 136.)		
26	Thereafter, and pursuant to the Court's August 4, 2021 Second Amended Second		
27	Scheduling Order, (ECF No. 135), Plaintiff timely submitted notices of the names and locations		
28	for unincarcerated witnesses to testify at trial on October 6, 2021. (ECF No. 137, pp. 9-11; 17-		
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19.) On November 9, 2021, the Court issued an order regarding the notice of unincarcerated witness information and resetting the deadline for Plaintiff to submit the required witness fees. 3 (ECF No. 140.)

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4 Currently before the Court is Plaintiff's motion, filed November 24, 2021, requesting a 5 Court order regarding the delay in issuing the order regarding the unincarcerated witness fees he 6 is required to pay, as well as an order to show cause regarding Defendants' substitution of a new 7 attorney. (ECF No. 144.) Defendants have not yet had the opportunity to file a response, but the 8 Court finds a response unnecessary. The motion is deemed submitted. Local Rule 230(1).

9 In his motion, Plaintiff states that he has not received a notice from the Court regarding 10 the amount he is required to pay for the attendance of his unincarcerated witnesses. (ECF No. 11 144, p. 2.) The Court notes that Plaintiff's motion is signed and dated October 30, 2021, and was 12 served on the same date. (Id. at 3, 7.) As noted above, the Court issued an order regarding the 13 unincarcerated witness fees on November 9, 2021. (ECF No. 140.) As it appears that the Court's 14 order crossed in the mail with Plaintiff's motion, Plaintiff's motion is denied as moot.

15 As to Plaintiff's request for an order to show cause regarding Defendants' substitution of a 16 new attorney, Plaintiff argues that the reassignment of counsel appears to be a tactic to delay the 17 Court's proceedings. (ECF No. 144.) Plaintiff further argues that attorney Darby M. Williams is 18 assigned to the Office of the Attorney General's Northern District, not the Eastern District. 19 Finally, Plaintiff appears to request documented evidence of a conflict of interest between 20 Defendants and each of the attorneys formerly assigned to this action that led to the termination 21 of their services to Defendants, and if such evidence is not provided, that Defendants pay the fees 22 required for the attendance of Plaintiff's witnesses at trial. (*Id.*)

23 Plaintiff's request is denied. Plaintiff has not provided any support for the argument that 24 Defendants' substitution of new counsel will delay the proceedings, and Defendants have not 25 sought an extension of any existing deadlines in this action. Further, Plaintiff is not entitled to an 26 explanation regarding how or why cases are assigned to different attorneys within the Office of 27 the Attorney General, and individual attorneys within the Office of the Attorney General are not 28 required to demonstrate a conflict of interest with Defendants to justify termination and

1	substitution	of new counsel.	
2	Based on the foregoing, Plaintiff's motion regarding unincarcerated witness fees and the		
3	substitution of new counsel for Defendants, (ECF No. 144), is HEREBY DENIED.		
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5	IT IS SO OI	RDERED.	
6	Dated:	November 29, 2021	/s/ Barbara A. McAuliffe
7			UNITED STATES MAGISTRATE JUDGE
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