

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TOY TERRELL SMITH,

Plaintiff,

v.

R.M. HUTCHINSON, et al,

Defendants.

1:16-cv-01924-AWI-EPG (PC)

ORDER REQUESTING RESPONSE  
REGARDING PRISONER'S NON-  
APPEARANCE FOR COURT-ORDERED  
CONFERENCE

Plaintiff Toy Terrell Smith (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. He is presently incarcerated at California State Prison-Sacramento (“CSP-Sacramento”) which is a state prison under the authority of the California Department of Corrections and Rehabilitation (“CDCR”).

On November 7, 2017, the Court issued an Order setting a “mandatory scheduling conference” for February 7, 2018. (ECF No. 17.) With regard to Plaintiff’s appearance at the conference, the Order stated:

Plaintiff shall make arrangements with staff at his or her institution of confinement for his or her attendance at the mandatory telephonic initial scheduling conference. Plaintiff’s institution of confinement shall make Plaintiff available for the conference at the date and time indicated above. To the extent possible, prior to the conference defense counsel shall confirm with Plaintiff’s institution of confinement that arrangements have been made for Plaintiff’s attendance. If Plaintiff is in the custody of the California Department of

1 Corrections and Rehabilitation, the Clerk of Court shall send a copy of this order  
2 to the litigation coordinator at Plaintiff's institution of confinement.

3 (*Id.* at 3.)

4 Plaintiff did not appear for the February 7, 2018 mandatory scheduling conference.  
5 Defense counsel appeared and confirmed that arrangements were made with the litigation  
6 coordinator at CSP-Sacramento for Plaintiff's appearance. The Court waited for approximately  
7 twenty minutes before re-scheduling the conference.

8 Before the Court concludes that its November 7, 2017 Order was violated and sanctions  
9 are appropriate, it invites the litigation coordinator at CSP-Sacramento to submit statements  
10 explaining the reason for Plaintiff's non-appearance for the February 7, 2018 mandatory  
11 scheduling conference.

12 Accordingly, the Court ORDERS as follows:

13 Within 14 days of this Order, the litigation coordinator at CSP-Sacramento is directed to  
14 file a response to this Order explaining the reason for Plaintiff's non-appearance for the  
15 February 7, 2018 mandatory scheduling conference.

16 IT IS SO ORDERED.

17 Dated: February 7, 2018

18 /s/ Eric P. Gray  
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28