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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA
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6 MITCHELL GARRAWAY,

7 Plaintiff,

8 vs.

9 JACQUILINE CIUFO, et al.,

10 Defendants.
11

1:17-cv-00533-DAD-GSA-PC

**ORDER DENYING PLAINTIFF'S MOTION
FOR TRIAL DATE AS PREMATURE
(ECF No. 123.)**

12 Plaintiff is a federal prisoner proceeding *pro se* and *in forma pauperis* with this civil rights
13 action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). This case now
14 proceeds with Plaintiff's original Complaint filed on April 17, 2017, against defendants
15 Jacqueline Ciufo (Unit Manager), K. Miller (Corrections Officer), and Lieutenant J. Zaragoza
16 (collectively, "Defendants"), for failure to protect Plaintiff in violation of the Eighth Amendment.
17 (ECF No. 1.)

18 On March 8, 2021, Plaintiff filed a motion requesting the court to schedule a trial date for
19 this case. (ECF No. 123.) Plaintiff's motion is premature. The court shall not schedule a trial
20 in this case before the pending settlement conference scheduled in this case for May 25, 2021,
21 has been resolved.

22 Therefore, **IT IS HEREBY ORDERED** that Plaintiff's motion to schedule a trial for this
23 case, filed on March 8, 2021, is denied as premature.

24
25 IT IS SO ORDERED.

26 Dated: March 30, 2021

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE