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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MARCO A. GARCIA,  
Plaintiff,  
v.  
GARCIA, *et al.*,  
Defendants.

Case No. 1:17-cv-01313-BAM (PC)  
**ORDER CONTINUING TRIAL DATE**  
**Jury Trial: Tuesday, November 30, 2021**, at  
8:30 a.m. in Courtroom 8 (BAM)

Plaintiff Marco A. Garcia (“Plaintiff”) is a former pretrial detainee and current state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. All parties have consented to Magistrate Judge jurisdiction. (ECF No. 28.) This action proceeds on Plaintiff’s Fourteenth Amendment claims against Defendants Garcia and Bursiaga for excessive force.

On November 1, 2021, the Court, the parties, and counsel appeared in-person to commence a jury trial in this action. However, due to issues regarding Plaintiff’s legal property that were outside of the parties’ control, trial could not proceed without prejudice to Plaintiff.

Accordingly, the Court finds it necessary and appropriate to continue trial in this action to **Tuesday, November 30, 2021 at 8:30 a.m.** in Courtroom 8.<sup>1</sup>

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<sup>1</sup> The Court notes that Monday, November 29, 2021 was originally selected as the new trial date.

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Accordingly, it is HEREBY ORDERED as follows:

1. The jury trial in this action is continued to **Tuesday, November 30, 2021, at 8:30 a.m.** in Courtroom 8 (BAM); and
2. An amended transportation writ will be issued in due course.

IT IS SO ORDERED.

Dated: November 1, 2021

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE