UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ELVIS VENABLE, Plaintiff, v. PATEL, Defendant.	Case No. 1:17-cv-01519-BAM (PC) ORDER VACATING TRIAL DATE, TELEPHONIC TRIAL CONFIRMATION HEARING DATE, AND DEADLINES SET IN SECOND SCHEDULING ORDER (ECF No. 41) ORDER SETTING TELEPHONIC STATUS CONFERENCE **Date: April 15, 2021** **Time: 9:30 a.m.**

Plaintiff Elvis Venable ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's claim against Defendant Patel for nominal, compensatory, and punitive damages resulting from Defendant Patel's alleged violation of Plaintiff's Eighth Amendment rights.

Pursuant to the Second Scheduling Order issued January 4, 2021, this action is currently set for a telephonic trial confirmation hearing on December 1, 2021 and a jury trial commencing January 25, 2022 before Senior District Judge Anthony W. Ishii. (ECF No. 41.) That order set forth deadlines for the filing of pretrial motions and pretrial statements. The parties were also provided the opportunity to notify the Court whether they consent to Magistrate Judge jurisdiction.

Thereafter, all parties executed consent forms, and this matter was reassigned from the docket of Senior District Judge Ishii to the undersigned, for all purposes including trial and entry of judgment. (ECF No. 44.)

In light of the parties' consent, the Court vacates the December 1, 2021 telephonic trial confirmation hearing and the January 25, 2022 trial date in this action. The Court will also set a telephonic status conference for April 15, 2021, at 9:30 a.m. to discuss resetting the relevant deadlines and trial date before the undersigned.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The telephonic trial confirmation hearing date of December 1, 2021 is VACATED;
2. The trial date of January 25, 2022 is VACATED;
3. The deadlines for submission of pretrial statements and motions for attendance of incarcerated and unincarcerated witnesses as set forth in the January 4, 2021 Second Scheduling Order are VACATED. These deadlines will be reset upon confirmation of the continued trial date;
4. A telephonic status conference is set for **April 15, 2021, at 9:30 a.m.** before the undersigned in Courtroom 8 (BAM);
5. The parties shall appear **telephonically (via Zoom)**;
6. Defense counsel shall contact Courtroom Deputy, Esther Valdez, at (559) 499-5788 or evaldez@caed.uscourts.gov for the Zoom dial-in information for all parties;
7. Defense counsel is required to arrange for Plaintiff's participation by contacting the Litigation Coordinator at the institution where Plaintiff is housed; and
8. The Court will issue any necessary transportation writ in due course.

IT IS SO ORDERED.

Dated: **February 17, 2021**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE