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7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 FRANCISCO SIERRA,

11 Plaintiff,

12 v.

13 J. CASTELLANOS,

14 Defendant.  
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Case No. 1:17-cv-01691-ADA-EPG (PC)

ORDER EXTENDING DEADLINE  
FOR PLAINTIFF'S PRETRIAL  
STATEMENT AND RESETTING  
TELEPHONIC TRIAL  
CONFIRMATION HEARING

(ECF Nos. 89)

16 Plaintiff Francisco Sierra is a state inmate proceeding *pro se* and *in forma pauperis* in this  
17 civil rights action. Following the District Judge's decision adopting this Court's findings and  
18 recommendations, this case now proceeds on Plaintiff's cruel-and-unusual-punishment claim  
19 against Defendant Castellanos. (ECF No. 70).

20 On June 17, 2022, the Court set an August 15, 2022 deadline for the parties to file  
21 simultaneous pretrial statements and scheduled the telephonic trial confirmation hearing for  
22 September 12, 2022, before then presiding District Judge Dale A. Drozd. (ECF No. 89).  
23 Defendant filed his pretrial statement on August 15, 2022, but Plaintiff has not filed his statement  
24 nor filed a motion seeking an extension of time to do so.

25 Although such failure may warrant sanctions, given Plaintiff's status as a *pro se* prisoner,  
26 the Court will *sua sponte* extend the time for Plaintiff to file his pretrial statement and will reset  
27 the telephonic trial confirmation hearing before District Judge Ana de Alba, who has been  
28 reassigned to this case. (ECF Nos. 46, 91).

Accordingly, IT IS ORDERED as follows:

1. Plaintiff shall file his pretrial statement by no later than September 29, 2022. If Plaintiff fails to do so, he is warned that this Court may recommend sanctions, including dismissal of this case for failure to comply with the Court's orders and to prosecute the case.
2. The telephonic trial confirmation hearing set for September 12, 2022, is vacated and the hearing shall now be held on November 14, 2022, at 1:30 p.m. before District Judge Ana de Alba. To participate telephonically, the parties must dial into the conference at 1-888-557-8511 (access code 2219767) at the time of the hearing. Counsel for Defendant is required to arrange for the participation of Plaintiff in the Telephonic Trial Confirmation Hearing.
3. The Clerk of Court is directed to mail a copy of the Court's May 22, 2020 scheduling order and attachment thereto (ECF No. 46; ECF No. 46-1) to Plaintiff along with the instant order. Plaintiff is directed to review the portions of that order and attachment concerning the requirements and procedures for the filing of his pretrial statement and participation in the telephonic trial confirmation hearing. Plaintiff is advised that the dial-in information contained in the scheduling order (ECF No. 46) is for the previously assigned District Judge and the parties must instead use the information (listed above) for now presiding District Judge Ana de Alba to participate in the conference.

IT IS SO ORDERED.

Dated: August 29, 2022

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE