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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD SCOTT KINDRED,
Plaintiff,
v.
BRANDON PRICE, et al.,
Defendant.

Case No. 1:18-cv-00554-DAD-EPG (PC)

ORDER MODIFYING SCHEDULING
ORDER AND VACATING TELEPHONIC
TRIAL CONFIRMATION HEARING AND
RELATED DEADLINES

(ECF No. 43)

Plaintiff Richard Scott Kindred (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On April 30, 2020, the Court entered a Scheduling Order which, among other things, set a Telephonic Trial Confirmation Hearing before District Judge Dale A. Drozd on October 25, 2021. (ECF No. 43.) The Court also set related deadlines for, in relevant part, filing motion(s) for the attendance of confined witnesses and oppositions to the same, submitting money orders for the Marshals Service to serve unconfined witnesses who refuse to testify, notifying the Court of the names and locations of Plaintiff’s witnesses, and filing pretrial statements. (*Id.* at 5-9.)

On December 4, 2020, Defendants Brandon Price, J. Corona, and Jorge Lopez (“Defendants”) filed a motion for summary judgment on plaintiff’s claims for violation of his Fourth Amendment rights as to each defendant and for violation of Plaintiff’s First Amendment

1 Rights against defendants Corona and Lopez. (Doc. No. 65.) Plaintiff filed an opposition on
2 March 11, 2021. (Doc. No. 75.) Defendants filed a reply on March 26, 2021. (Doc. No. 76.) On
3 June 15, 2021, the assigned magistrate judge entered findings and recommendations
4 recommending that defendants' motion be granted in part and denied in part. (Doc. No. 80.) On
5 July 20, 2021, Defendants filed objections to the findings and recommendations. (ECF No. 86.)
6 On August 20, 2021, Plaintiff filed his response to Defendants' objections. (ECF No. 90.)

7 The findings and recommendations entered on June 15, 2021, are currently pending before
8 Judge Drozd. Accordingly, the Court will vacate the Telephonic Trial Confirmation Hearing and
9 related deadlines, to be reset following a final order on Defendants' motion for summary
10 judgment. Additionally, the Court will direct the parties to file status reports after the summary
11 judgment motion is resolved addressing whether they would like to participate in a further
12 settlement conference.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Telephonic Trial Confirmation Hearing currently set for October 25, 2021, and
15 the related deadlines for filing motion(s) for the attendance of confined witnesses and
16 oppositions to the same, submitting money orders for the Marshals Service to serve
17 unconfined witnesses who refuse to testify, notifying the Court of the names and
18 locations of Plaintiff's witnesses, and filing pretrial statements as set forth in the
19 Scheduling Order (ECF No. 43) are hereby vacated, to be reset following a final order
20 on Defendants' motion for summary judgment as necessary; and
- 21 2. No later than twenty-one (21) days after entry of an order on Defendants' motion for
22 summary judgment, the parties shall file status reports indicating each party's position
23 on whether a settlement conference would be productive.

24
25 IT IS SO ORDERED.

26 Dated: August 30, 2021

27 /s/ Eric P. Groj
28 UNITED STATES MAGISTRATE JUDGE