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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT HACKWORTH, JR,  
  
Plaintiff,  
  
v.  
  
E. AREVALOS, *et al.*,  
  
Defendants.

Case No.: 1:19-cv-01362-KES-CDB (PC)

**ORDER DIRECTING PARTIES TO  
MEET AND CONFER REGARDING  
RESETTING OF PRETRIAL  
CONFERENCE AND TRIAL DATES AND  
TO SUBMIT PROPOSED STIPULATION  
WITHIN TWENTY-ONE (21) DAYS**

Plaintiff Robert Hackworth, Jr., is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. This action proceeds on Plaintiff’s constitutional claims against Defendant Arevalos. (Doc. 89.)

**I. BACKGROUND**

Following a settlement conference held August 15, 2023, this Court issued its Second Scheduling Order. (Doc. 100.) A pretrial conference was set for April 8, 2024 and a jury trial was set for June 11, 2024, before then-assigned District Judge Ana de Alba. (*Id.* at 1.) Related procedures and deadlines were outlined. (*Id.* at 2-7.)

On December 1, 2023, when Judge de Alba was elevated to the Ninth Circuit Court of Appeals, this action was temporarily reassigned to “No District Court Judge (NODJ).” (Doc. 109.)

On March 5, 2024, Plaintiff filed a document titled “Plaintiff Pretrial Statement With

1 Motion For Inmate Witness. Motion Under Local Rule 281.” (Doc. 111.)

2 On March 6, 2024, the Court issued its order vacating the April 8, 2024 pretrial  
3 conference and June 11, 2024 trial, as well as related deadlines, to be reset at a later date as  
4 necessary. (Doc. 112 [minute order].)

5 On March 14, 2024, the Court issued its Order of Reassignment, assigning this action to  
6 District Judge Kirk E. Sherriff for all further proceedings. (Doc. 113.)

7 On March 15, 2024, Plaintiff filed a document titled “Plaintiff 2<sup>nd</sup> Amended Pretrial  
8 Statement With Request For Inmate Witness & Staff Witnesses. Motion Under Local Rule 281  
9 (Fed. Rule of Civ. P).” (Doc. 114.)

10 **II. DISCUSSION**

11 The pretrial conference and jury trial in this action will be reset before District Judge  
12 Sherriff. The parties will be required to meet and confer and to submit a proposed stipulation,  
13 within 21 days of the date of this order, for the Court’s consideration regarding available dates  
14 for the pretrial conference and jury trial.

15 The following potential dates for a pretrial conference before Judge Sherriff are:

16 June 10, 2024

17 June 24, 2024

18 July 8, 2024

19 July 15, 2024

20 August 5, 2024

21 August 19, 2024

22 Pretrial conferences are heard at 1:30 p.m. in Courtroom 6 on the 7th Floor.

23 Jury trial shall commence no sooner than sixty days following a pretrial conference.

24 Thus, the following potential dates for a jury trial before Judge Sherriff are:

25 The weeks of August 12, August 19, and August 26, 2024

26 The weeks of September 2, September 9, September 16, September 23, and  
27 September 30, 2024

28 The week of October 7, 2024

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The week of October 14, 2024

The week of October 28, 2024

The week of November 4, 2024

Jury trials commence on **Tuesdays** at 9:00 a.m.<sup>1</sup> in Courtroom 6 on the 7th Floor.

Once the parties have submitted their stipulation concerning proposed pretrial conference and jury trial dates, the Court will issue an Amended Second Scheduling Order setting the matter for a pretrial conference and jury trial, and providing the relevant procedures and deadlines associated therewith. The parties are reminded those deadlines are firm and the procedures must be complied with completely.

Plaintiff is advised his prior pretrial conference statements and motions for witnesses were not considered by the Court given the fact the deadlines for both were vacated by the Court in its March 6, 2024 order. Plaintiff will be provided an opportunity in the Court’s anticipated Amended Second Scheduling Order to resubmit his pretrial statement and motion for witness appearances.

**III. CONCLUSION AND ORDER**

For the reasons given above, **IT IS HEREBY ORDERED** that the parties **SHALL** submit a stipulation, **within 21 days** of the date of this order, proposing available dates for a pretrial conference and jury trial in this matter in accordance with the information provided above.

IT IS SO ORDERED.

Dated: March 27, 2024

  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> In the event of a Monday holiday falling during the first week of trial, the first day of trial shall begin on Wednesday, rather than Tuesday, after a Monday holiday.