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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BYRON EUGENE JOHNSON,

Plaintiff,

No. CIV S-05-2123 KJM EFB P

vs.

DAVID L. RUNNELS, et al.,

Defendants.

ORDER

On April 6, 2011, the court held a trial confirmation hearing in the above-captioned case. Plaintiff Byron Johnson present, proceeding pro se; Phillip Arthur appeared for defendant. At the hearing, the court ordered as follows:

1. Defendant’s request for a separate trial regarding punitive damages is denied.
2. Plaintiff’s motion in limine is granted to the extent that defendant may introduce evidence of the fact of plaintiff’s felony convictions for impeachment purposes only.
3. The parties shall file:
 - A. Motions in Limine by **May 10, 2011** – twenty-one (21) days before trial;
 - B. Trial Briefs by **May 17, 2011** – fourteen (14) days before trial;

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C. Evidentiary Objections by **May 17, 2011** – fourteen (14) days before trial;

D. Proposed voir dire by **May 24, 2011** – seventeen (17) days before trial; and

E. Proposed jury instructions by the opening of trial, by **May 31, 2011.**

No filing shall exceed twenty (20) pages.

4. Plaintiff's April 4, 2011 motion for an order directing officials at High Desert State Prison to give him access to his legal property (ECF 151) is DENIED as unnecessary.

5. Trial shall be before a jury consisting of eight members.


6. Trial shall take two to three days.

7. Trial shall take place beginning on May 31, 2011 at 9 a.m.

The court has considered plaintiff's renewal of his Motion to Conduct Discovery Upon a Non-Party (ECF 99), dated July 8, 2008, and hereby DENIES plaintiff's renewed motion. The court notes that all motions to compel discovery involving the remaining defendant in this action were to be filed no later than February 8, 2008. (ECF 62.) A court will only modify a scheduling order upon a showing of good cause. Fed. R. Civ. P. 16(b)(4). Plaintiff has not shown good cause.

IT IS SO ORDERED.

DATED: April 11, 2011.


UNITED STATES DISTRICT JUDGE