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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.

NOTICE

_____ /

On May 18, 2011, the court held a telephonic conference with defense counsel, Philip Arthur, regarding a conflict that has arisen regarding the May 31, 2011 trial date in the above-captioned matter. Plaintiff did not appear; the court has been informed that he was in transit at the time of the conference.

This serves as notice to plaintiff that the undersigned is now unavailable to try this case on May 31, 2011, due to the trial of a criminal case that must take priority. During the telephonic conference, Mr. Arthur was asked if his client would consent to jury trial before Magistrate Judge John F. Moulds; however, defendant has declined consent.

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Accordingly, the court hereby VACATES the May 31 trial date and RESETS the trial date to June 20, 2011 at 9:00 a.m. Trial will begin on this date. All other dates remain the same. An appropriate writ of habeas corpus ad testificandum shall issue in accordance with this order.

IT IS SO ORDERED.

DATED: May 20, 2011.


UNITED STATES DISTRICT JUDGE