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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GARY R. THOMAS,)
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Plaintiff(s),)
)
vs.)
)
J. NEVES, *et al.*,)
)
)
)
Defendant(s),)
_____)

2:07-cv-1249-RLH-VPC
(Eastern District of California)

JUDGE ROGER L. HUNT
ORDER REGARDING TRIAL
AMENDED

Important note: Specific instructions regarding the submission of trial document by the pro se litigant will be provided by subsequent order or by the Court at the time of calendar call.

1. Attached hereto is a list of the civil and criminal cases that are presently scheduled for the *stacked* trial calendar before the **Honorable Roger L. Hunt, Chief United States District Judge, at Las Vegas, Nevada**, commencing on **MONDAY, JUNE 21, 2010 at 8:30 a.m.** (The instant case shall commence on **MONDAY, JUNE 21, 2010 at 8:30 a.m.**, **Courtroom #3, 15th Floor, United States Courthouse, 501 I Street, Sacramento, California.**

2. Counsel for all parties in civil and criminal cases, and all pro se parties, shall appear in Courtroom Number #6C on **WEDNESDAY, JUNE 16, 2010 at 8:45 a.m.** for Calendar Call. (The parties in the instant case may appear telephonically. The Assistance Attorney General shall forthwith contact KANDY CAPOZZI, Courtroom Administrator, at 702- 464-543 for further details.) Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the

1 individual parties in civil cases and defendants in criminal cases will not be required to appear for
2 Calendar Call unless the Court directs otherwise.

3 3. Counsel or their clients will be excused from Calendar Call if settlement papers have been
4 filed in a civil case or a defendant's plea of guilty or nolo contendere has been received in a criminal
5 case prior to the date scheduled for Calendar Call.

6 4. **At Calendar Call**, all cases that remain to be tried will be ranked in order of trial.
7 The Court may also schedule a final Pretrial Conference to address outstanding issues including
8 any Motions *In Limine* that have not been previously ruled upon. Thereafter, the Court will not
9 grant a continuance to any party absent a showing of good cause. Unless the Court otherwise
10 directs, the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS'** notice from
11 the Courtroom Administrator.

12 5. **CHANGE OF PLEA HEARINGS IN CRIMINAL CASES.** Hearings for the purpose
13 of **change of plea** in criminal cases will be set for **CALENDAR CALL** unless otherwise set. It
14 shall be the joint responsibility of counsel for Plaintiff United States and for the Defendant to ensure
15 that the original plea agreement is delivered to Courtroom Administrator, and a copy faxed to
16 chambers at 464-5531 by 4:00 p.m. on the day prior to when the plea of guilty or nolo contendere
17 is to be taken. It shall further be the responsibility of counsel for Plaintiff United States to ensure
18 that any necessary Produce Orders or Writs of Habeas Corpus Ad Prosequendum are timely
19 delivered to the United States Marshal to ensure the presence of all in-custody defendants for change
20 of plea, and to ensure proper notification for the attendance of any court interpreter which may be
21 required for the particular case.

22 6. **WITNESSES.** Counsel and any parties appearing pro se, shall immediately subpoena
23 all witnesses for the time and trial date as listed above. Inasmuch as some cases will be tried in a
24 trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses
25 to contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not
26 required to be present at the Calendar Call.

27 7. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Counsel wishing to utilize the court's
28 evidence display equipment must contact the Courtroom Administrator ***prior to Calendar Call*** to

1 determine its availability and to arrange for training, if needed.

2 **8. EXHIBITS.** **At Calendar Call**, any party appearing pro se shall file with the Courtroom
3 Administrator in every civil and criminal case, a complete exhibit list of all exhibits that are
4 intended to be used during the trial. **No later than Noon (12:00 p.m.) on the day of Calendar**
5 **Call** counsel shall electronically file their complete exhibit list. Numerals shall be used to identify
6 all exhibits. Plaintiff's exhibits shall be marked 1 through 500. Defendant's exhibits shall be marked
7 501 through 1000. The exhibits list format shall conform to the requirements of the form provided
8 by the Courtroom Administrator or obtained from the Court's website *www.nvd.uscourts.gov*.

9 **Each exhibit shall be pre-marked with an exhibit sticker.** In any case which involves fifteen
10 or more document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder behind a tab
11 noting the number of each exhibit and each exhibit shall be pre-marked with an exhibit sticker. The
12 binder shall be clearly marked on the front and side with the case caption and number and the sequence
13 of exhibits. If oversized binders are used, the holes in the documents shall be large-sized so that the
14 pages may be easily turned. At the commencement of trial, counsel shall provide the Courtroom
15 Administrator with the binder containing the exhibits and a courtesy set for the trial judge. *If it is*
16 *necessary to use more than three binders, the party shall contact the Courtroom Administrator* **prior**
17 **to Calendar Call for additional directives.**

18 **9. PROPOSED JURY VOIR DIRE QUESTIONS.** **At Calendar Call**, any party appearing pro se
19 shall file with the Courtroom Administrator an original and one copy of any proposed jury voir dire questions
20 which they request the Court to pose to prospective jurors at the time of jury selection. **No later than Noon**
21 **(12:00 p.m.) on the day of Calendar Call** counsel shall electronically file their proposed jury voir dire
22 questions.

23 **10. WITNESS LISTS.** **At Calendar Call**, any party appearing pro se shall file with the
24 Courtroom Administrator a list of witnesses expected to be called. **No later than Noon (12:00**
25 **p.m.) on the day of Calendar Call** counsel shall electronically file a list of witnesses expected to
26 be called for use by the Court during jury selection.

27 **11. STATEMENT OF THE CASE.** **At Calendar Call**, any party appearing pro se in a
28 civil case shall file with the Courtroom Administrator a brief statement of the case, no longer than

1 one-half page, stating the nature of the claims and offenses, to be read to prospective jurors at the
2 time of jury selection. **No later than Noon (12:00 p.m.) on the day of Calendar Call** *counsel shall*
3 *electronically file their brief statement of the case.* In a criminal case, a copy of the Indictment,
4 indicating which portions should be read to the jury, should be submitted to the Courtroom
5 Administrator at Calendar Call.

6 12. **JURY INSTRUCTIONS IN CRIMINAL CASES.** Counsel are to comply with the
7 “Order Regarding Pretrial Procedure.” **No later than Noon (12:00 p.m.) on the day of Calendar**
8 **Call, counsel are required to electronically file proposed jury instructions and email a copy**
9 **in WordPerfect format to chambers at RLH_Chambers@nvd.uscourts.gov.** The parties are
10 further advised that the undersigned district judge has developed his own “stock” or “general” jury
11 instructions drawn principally from the **Manual of Model Criminal Jury Instructions for the**
12 **Ninth Circuit.** Proposed Instructions submitted by counsel need not include the Court’s “stock”
13 jury instructions.

14 13. **GOVERNMENT’S TRIAL MEMORANDUM.** In all criminal cases, Plaintiff United
15 States shall submit its original **Government’s Trial Memorandum** under seal at **Calendar Call**
16 and shall also provide a reading copy for the court. The Government’s Trial Memorandum shall be
17 served on counsel for Defendant on the date trial commences and will be unsealed and filed by the
18 Court at that time.

19 14. **JURY INSTRUCTIONS IN CIVIL CASES.** In all civil cases to be tried before a jury,
20 counsel and any parties appearing pro se are required to jointly *electronically file* one set of agreed-
21 upon jury instructions and form of verdict **no later than noon (12:00 p.m.) on the day of Calendar**
22 **Call.** To meet this requirement, the parties are required to serve their proposed jury instructions
23 upon each other at least two weeks prior to trial and file those with the Court on the date indicated
24 in the Pretrial Order; and to thereafter confer to arrive at a single set of jointly agreed upon jury
25 instructions. To the extent the parties are unable to agree as to the form of any particular
26 instruction(s), each party shall also file the jury instruction(s) which are not agreed upon together
27 with the respective arguments and authorities of the parties in support thereof.

28 The parties are further advised that the undersigned district judge has developed his own

1 "stock" or "general" jury instructions drawn principally from the **Manual of Model Civil Jury**
2 **Instructions for the Ninth Circuit**. Proposed instructions submitted by counsel need not include
3 the Court's "stock" instructions. Therefore, the efforts of the parties in preparing the jury
4 instructions in compliance with this Order should be focused on developing special jury
5 instructions which relate to the particular claims and defenses at issue as well as those relating to
6 damages and any special evidentiary matters pertinent to the case. All proposed jury instructions
7 submitted by the parties should be concise, understandable, and neutral statements of law.
8 Argumentative jury instructions are improper, will not be given, and should not be submitted.
9 **Additionally, counsel shall email a copy of all proposed jury instructions in WordPerfect format**
10 **to chambers at RLH_Chambers@nvd.uscourts.gov.**

11 15. **TRIAL BRIEFS, PROPOSED FINDINGS OF FACT AND CONCLUSIONS**
12 **OF LAW.** To the extent they have not already done so in accordance with the Court's Joint
13 Pretrial Order, any party appearing pro se shall file an original and two copies of a trial brief in all
14 civil cases **at Calendar Call. No later than noon (12:00 p.m.) on the day of Calendar call,**
15 *counsel shall electronically file* their trial brief. Additionally, in all civil cases to be tried before the
16 court sitting without a jury, the parties shall electronically file proposed Findings of Fact and
17 Conclusions of Law **no later than noon (12:00 p.m.) on the day of Calendar Call.**

18 16. **EXPEDITED OR DAILY TRANSCRIPTS.** Any party that will require expedited or
19 daily transcripts shall *notify the Court Reporter, Heather Newman, at 702-464-5828* **immediately**
20 **upon receipt of this order. Failure to timely notify the Reporter may result in the refusal to**
21 **provide expedited or daily transcripts.**

22 17. **SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the Court
23 will consider the imposition of sanctions against any attorney or party appearing pro se who: (1) fails
24 to timely file trial briefs, suggested voir dire questions and proposed jury instructions or proposed
25 findings of fact and conclusions of law, whichever is applicable, as prescribed by the Pretrial Order,
26 Order Regarding Pretrial Procedure, Scheduling Order or any order extending the time for such
27 filings; (2) fails to comply with the provisions of this order including, but not limited to, the failure
28 to appear for Calendar Call without first having been excused by the Court or the clerk with the

TRIAL CALENDAR OF THE HONORABLE ROGER L. HUNT, CHIEF UNITED STATES DISTRICT JUDGE,
AT LAS VEGAS, NEVADA, COMMENCING ON **MONDAY, JUNE 21, 2010 AT 8:30 A.M.**, WITH CALENDAR
CALL SET FOR **WEDNESDAY, JUNE 16, 2010 AT 8:45 A.M.**, COURTROOM 6C.

1. 2:09-cr-192-RLH-RJJ UNITED STATES OF AMERICA
vs.
JESUS ISAIAS CASTRO-HERRERA CUSTODY

Jury Trial (Estimated __ Day) 1-Count Indictment:
8 USC § 1326

For Plaintiff:
Robert Bork, AUSA
Christina Brown, AUSA
Kimberly Frayn
388-6336

For Defendant:
Peter Christiansen, Appointed
240-7979

Spanish Interpreter Required

2. 2:09-cr-401-RLH-LRL UNITED STATES OF AMERICA
vs.
WILLIAM SETH POWELL PR BOND
aka Jack Powell

Jury Trial (Estimated __ Day) 5-Count Indictment:
18 USC §§ 1028A(a)(1) and (c)(5)

For Plaintiff:
Kimberly Frayn, AUSA
388-6336

For Defendant:
Michael Cristalli , Retained
386-2180

3. 2:09-cr-518-RLH-LRL UNITED STATES OF AMERICA
vs.
JOSE VINCENTE MARQUEZ-ACOSTA CUSTODY

Jury Trial (Estimated __ Day) 2-Count Indictment:
21 USC §§ 846, 841(a)(1) and (b)(1)(A)(viii)

For Plaintiff:
Pamela Martin, AUSA
388-6336

For Defendant:
Paul Riddle, AFD
388-6577

4. 2:10-cr-111-RLH-RJJ UNITED STATES OF AMERICA
vs.
ANTONIO TEJADA-DAMAZO CUSTODY

Jury Trial (Estimated __ Day) 1-Count Indictment:
8 USC § 1326

For Plaintiff:
Robert Bork, AUSA
An Nguyen, AUSA

For Defendant:
Todd Leventhal, Appointed
384-1990

TRIAL CALENDAR
June 21, 2010

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5. 2:10-cr-161-RLH-LRL

UNITED STATES OF AMERICA
vs.
CARLOS CORDOVA-RIVERA

CUSTODY

Jury Trial (Estimated __ Day)

1-Count Indictment:
8 USC § 1326

For Plaintiff:

Robert Bork, AUSA
An Nguyen, AUSA

For Defendant:

Renee Valladares, AFD
388-6577

Spanish Interpreter Required

6. 2:10-cr-164-RLH-LRL

UNITED STATES OF AMERICA
vs.
JOSE OCHOA-GONZALEZ

CUSTODY

Jury Trial (Estimated __ Day)

1-Count Indictment:
8 USC § 1326

For Plaintiff:

Robert Bork, AUSA
An Nguyen, AUSA
388-6336

For Defendant:

Todd Leventhal, Appointed
384-1990

Spanish Interpreter Required

7. 2:10-cr-167-RLH-PAL

UNITED STATES OF AMERICA
vs.
KORTNEY JOHNSON

PR BOND

Jury Trial (Estimated __ Day)

1-Count Indictment:
18 USC §§ 922(g)(1) and 924(a)(2)

For Plaintiff:

Lucas Foletta, AUSA
388-6336

For Defendant:

Paul Riddle, AFD
388-6577

TRIAL CALENDAR**June 21, 2010****PAGE 3**

8. 2:10-cr-186-RLH-LRL

UNITED STATES OF AMERICA
vs.
GLADYS MCGARRY

PR BOND

Jury Trial (Estimated __ Day)

1-Count Indictment:
18 USC § 501**For Plaintiff:**Lucas Foletta, AUSA
388-6336**For Defendant:**Michael Pariente, Retained
966-5310

9. 2:10-cr-208-RLH-PALUNITED STATES OF AMERICA
vs.
CARLOS ALBERTO SENDEROS

CUSTODY

Jury Trial (Estimated __ Day)

1-Count Indictment:
8 USC § 1326**For Plaintiff:**An Nguyen, AUSA
Robert Bork, AUSA
388-6336**For Defendant:**Brenda Weksler, AUSA
388-6577***Spanish Interpreter Required***

10. 2:07-cv-1249-RLH-VPC

Trial in Sacramento, CA 6/21/2010

GARY R. THOMAS
vs.
J NEVES, et al.,

Jury Trial (Estimated __ Day)

Complaint - 1983 Civil Rights

For Plaintiff:

Gary Thomas, Pro Se

For Defendant:Philip Arthur
916-322-0032

11. 08-cv-1298-RLH-PALJOHN BEESON
vs.
UNITED STATES OF AMERICA

Bench Trial (Estimated __ Day)

Complaint - IRS Tax Refund

For Plaintiff:Thomas Crowe
794-0373**For Defendants:**Andy Camacho
202-307-1481

TRIAL CALENDAR**June 21, 2010****PAGE 4**

12. 2:09-cv-164-RLH-GWF

WACHOVIA BANK, N.A.

vs.

CHAPARRAL CONTRACTING, INC., et al.,

Bench Trial (Estimated __ Day)

Complaint - Breach of Contract

For Plaintiff:Michael Stein
Andrew Sedlock
784-5200**For Defendants:**Chris McCullough
385-7383Jon Field
489-4440

13. 2:09-cv-1946-RLH-LRL

USA COMMERCIAL MORTGAGE CO., et al.,

vs.

Stanley Fulton

Jury Trial (Estimated __ Day)

Bankruptcy Appeal

For Appellant:Allan B Diamond
Michael Yoder
Steven Loden
Jacob Roberts 713-333-5100**For Appellee:**John O'Reilly 382-2500
Tim O'Reilly
Steven Katzman 949-369-3700

Eric Madden 214-389-5300

Rob Charles 949-8320