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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 STEWART MANAGO,

12 Plaintiff,

13 v.

14 BRAD WILLIAMS,

15 Defendants.
16

No. 2:07-cv-02290 TLN KJN P

ORDER

17 Plaintiff is a state prisoner, proceeding through appointed counsel, with a civil rights
18 action pursuant to 42 U.S.C. § 1983.

19 On September 8, 2015, the undersigned issued an order providing that:

20 “If plaintiff makes a single additional filing with the court in this
21 action, whether in the form of a letter, a motion, a request for status,
22 or any other document, of his own accord, rather than through
23 appointed counsel, the court will immediately issue an order to
show cause as to why this action should not be dismissed with
prejudice under Federal Rule of Civil Procedure 41(b) for failure to
comply with a court order.”

24 (ECF No. 330 at 2.)

25 On December 14, 2015, counsel for plaintiff filed, at plaintiff’s direction and based upon
26 threats from plaintiff, a Motion for a Court Order Requiring Incarcerated Witnesses Be Brought
27 to Court at Time of Trial (ECF No. 339) (83 pages), a Motion for Court Appointed Experts to
28 Assist Plaintiff at Trial (ECF No. 341) (36 pages), and a Motion for Court Appointed Physical

1 and Mental Examination of Plaintiff (ECF No. 342) (91 pages). On December 15, 2015,
2 plaintiff's counsel filed, again at plaintiff's direction and based upon threats from plaintiff, a
3 pretrial statement.¹ (ECF No. 343) (276 pages.) All four filings consist primarily of lengthy
4 handwritten documents authored by plaintiff and signed by "Stewart Manago In – Pro – Per."
5 (See ECF Nos. 339, 341, 342, 343.)

6 On December 18, 2015, defendants filed a Notice of Plaintiff Stewart Manago's
7 Disobedience of Court Order Precluding Further Filings and Request to Show Cause. (ECF No.
8 344.) On the same date, the parties filed a joint request for a status conference to discuss
9 plaintiff's filings and the status of plaintiff's counsel's continued representation of plaintiff.
10 (ECF No. 345.)

11 A status conference was held before the undersigned on January 7, 2015. Douglas R.
12 Thorn and Danny Cochetas appeared on behalf of plaintiff Stewart Manago, while Shanan L.
13 Hewitt appeared on behalf of defendants Chapman, Jaffe, Kelly, Kennedy, Martin, and Vance.
14 Defendant Mary Brockett, who is proceeding pro se, did not appear.

15 Mr. Thorn and Mr. Cochetas agreed to remain as counsel for plaintiff, with the
16 understanding that they may file a notice to be relieved as counsel if plaintiff makes any further
17 threats to counsel, other inappropriate requests, or seeks to direct the litigation thereby not
18 allowing counsel to perform their appropriate function in the case. With the parties' agreement,
19 the court will disregard all four of plaintiff's filings, ECF Nos. 339, 341, 342, and 343.

20 Accordingly, IT IS HEREBY ORDERED that:

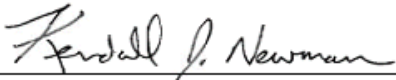
- 21 1. Mr. Thorn and Mr. Cochetas will continue to represent plaintiff with the
22 understanding that they may file a notice to be relieved as counsel if plaintiff makes
23 any further threats to counsel, other inappropriate requests, or seeks to direct the
24 litigation thereby not allowing counsel to perform their appropriate function in the
25 case.

26 ¹ Plaintiff's pretrial statement was due on December 14, 2015. On December 14, 2015, counsel
27 for plaintiff filed a notice with the court indicating that due to an issue with the CM ECF filing
28 system, he was not able to electronically upload plaintiff's pretrial statement that day. (ECF No.
340.)

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2. Plaintiff's filings ECF Nos. 339, 341, 342, and 343 shall be disregarded.
3. The June 13, 2016 trial date is vacated. The court will issue an updated scheduling order once the parties inform the court as to their availability for trial on the following dates: August 15, 2016; September 6, 2016; and February 6, 2017.

Dated: January 8, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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