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

JOHN KENT,

Plaintiff,

No. CIV S-07-2361 MCE EFB PS

vs.

CITY OF SACRAMENTO,
et al.,

ORDER

Defendants.

_____/

Plaintiff is proceeding *pro se* in this action, which was referred to the undersigned pursuant to E.D. Cal. L.R. (“Local Rule”) 72-302(c)(21). On November 24, 2008, the undersigned vacated the status conference in this action, which was scheduled for December 3, 2008, and ordered plaintiff to show cause why the action should not be dismissed, because plaintiff had not yet completed service of process on defendants. Dckt. 12. Plaintiff filed a timely response to the order to show cause, and requested additional time to serve defendants. Dckt. 13. The court granted plaintiff the requested extension, and plaintiff served several of the defendants. Dckt. 14, 16, 17. Shortly thereafter, the served defendants moved to stay the action. Dckt. 18. However, on August 11, 2009, those defendants withdrew their motion to stay and filed an answer to plaintiff’s complaint. Dckt. 33, 35.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. A Status (Pretrial Scheduling) Conference is set for October 7, 2009, at 10:00 a.m. in
3 Courtroom No. 25 before the undersigned.

4 2. Not later than fourteen (14) days prior to the Status Conference, the parties shall file
5 status reports¹ briefly describing the case and addressing the following:

- 6 a. Progress in service of process;
- 7 b. Possible joinder of additional parties;
- 8 c. Expected or desired amendment of pleadings;
- 9 d. Jurisdiction and venue;
- 10 e. Anticipated motions and their scheduling;
- 11 f. The report required by Federal Rule of Civil Procedure 26 outlining the
12 proposed discovery plan and its scheduling, including disclosure of expert witnesses;
- 13 g. Cut-off dates for discovery and law and motion, and dates for pretrial
14 conference and trial;
- 15 h. Special procedures, if any;
- 16 i. Estimated trial time;
- 17 j. Modifications of standard pretrial procedures due to the simplicity or
18 complexity of the proceedings;
- 19 k. Whether the case is related to any other cases, including bankruptcy;
- 20 l. Whether a settlement conference should be scheduled;
- 21 m. Whether counsel will stipulate to the magistrate judge assigned to this matter
22 acting as settlement judge and waiving disqualification by virtue of his so acting, or whether they
23 prefer to have a settlement conference conducted before another judge;

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26 ¹ The parties are encouraged, when possible, to file a joint status report.

1 n. Any other matters that may add to the just and expeditious disposition of this
2 matter.

3 3. Failing to obey federal or local rules, or order of this court, may result in dismissal of
4 this action. Even though the court will construe pro se pleadings liberally, pro se litigants must
5 comply with the procedural rules.

6 4. Plaintiff and counsel are reminded of their continuing duty to notify chambers
7 immediately of any settlement or other disposition. *See* L.R. 16-160. In addition, the parties are
8 cautioned that pursuant to Local Rule 78-230(c), opposition to granting of a motion must be filed
9 fourteen (14) days preceding the noticed hearing date. The Local Rule further provides that
10 “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written
11 opposition to the motion has not been timely filed by that party.” Moreover, Local Rule 78-
12 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or
13 may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the
14 Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or
15 Rule or within the inherent power of the Court.”

16 5. The parties may consent to have this case before the assigned magistrate judge for all
17 purposes. *See* 28 U.S.C. § 636(c). A consent form is attached. Any party who consents should
18 complete the form and return it to the Clerk. Unless all parties have consented, no judge will be
19 notified that a consent form has been filed.

20 DATED: August 19, 2009.

21 
22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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