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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.,

Defendants.

\_\_\_\_\_ /  
This case is before the undersigned pursuant to Eastern District of California Local Rule (“Local Rule”) 72-302(c)(21). See 28 U.S.C. § 636(b)(1). On November 2, 2007, plaintiff filed a complaint and motion to proceed *in forma pauperis* in this action, and on February 11, 2008, this court granted plaintiff’s motion. Dckt. Nos. 1, 3, 4. On May 27, 2008, plaintiff filed a second amended complaint, and on July 23, 2008, the court ordered that service of process be made by the U.S. Marshal on the following defendants: “the City of Sacramento Code Enforcement Department, the Sacramento City Manager’s Office, the Sacramento Police Department, Melody Lane, Guss Pina, Jason [Contreras], Josh Pino, Ron O’Connor, Max Fernandez, Brian Ramsey, Caroline McNorton, Benjamin Rolison, and Ricardo Vargas.” Dckt. No. 9. The July 23, 2008 order directed the Clerk of Court to send plaintiff the necessary forms for completion and return to the U.S. Marshal. Plaintiff was ordered to send the requisite forms

1 to the U.S. Marshal within 15 days. Dckt. No. 3 at 3.

2 In a separate order issued on July 23, 2008, the court set a scheduling conference for  
3 December 3, 2008, and directed the parties to file status reports no later than fourteen days prior  
4 to the conference. The order further cautioned that failure to obey the Federal Rules, Local  
5 Rules, or orders of the court could result in sanctions, including a recommendation that the case  
6 be dismissed. Dckt. No. 11.

7 On November 24, 2008, because the docket failed to independently demonstrate that  
8 service of process had been effected, the court ordered plaintiff to show cause why this action  
9 should not be dismissed for failure to comply with this court's July 23, 2008 order, and vacated  
10 the December 3, 2008 status conference. Dckt. No. 12. On January 29, 2009, after receiving  
11 plaintiff's response to the order to show cause, the court discharged the order to show cause and  
12 gave plaintiff fifteen additional days to comply with the July 23, 2008 order. Dckt. No. 14. On  
13 February 10, 2009, plaintiff notified the court that he had delivered the required service  
14 documents to the Marshal. Dckt. No. 15.

15 In March 2009, defendants Josh Pino, Max Fernandez, Ricardo Vargas, Benjamin  
16 Rolison, Jason Contreras, and Ron O'Connor waived service of the summons, with answers due  
17 in May 2009. Dckt. Nos. 16, 17. In April 2009, defendants City of Sacramento, Josh Pino, Max  
18 Fernandez, and Jason Contreras moved to stay the action. Dckt. No. 18. That motion was  
19 withdrawn on August 11, 2009, Dckt. No. 33, and on that same date, defendants City of  
20 Sacramento, Josh Pino, Max Fernandez, and Jason Contreras filed an answer to plaintiff's  
21 complaint. Dckt. No. 35.

22 On August 19, 2009, the court set a Status (Pretrial Scheduling) Conference for October  
23 7, 2009, and directed the parties to file status reports (or a joint status report) no later than  
24 fourteen days prior to the status conference. Dckt. No. 37. On September 16, 2009, plaintiff and  
25 defendants City of Sacramento, Josh Pino, Max Fernandez, and Jason Contreras filed a joint  
26 status report, which noted that several of the defendants have either not been served or have not

1 filed answers. Dckt. No. 38. None of the other defendants participated in the preparation of the  
2 status report.

3 Although the docket does not reflect service upon all of the defendants, the U.S. Marshal  
4 has informed the court that as of September 28, 2009, all defendants who the docket reflects  
5 have not been served, were personally served. Accordingly, the October 7, 2009 status  
6 conference is rescheduled for December 16, 2009. No later than December 2, 2009, all parties  
7 shall file status reports (or a joint status report) briefly describing the case and addressing the  
8 following:

9 a. Progress in service of process as to each specific defendant, and the status of each  
10 defendant's response to plaintiff's complaint;

11 b. Possible joinder of additional parties;

12 c. Expected or desired amendment of pleadings;

13 d. Jurisdiction and venue;

14 e. Anticipated motions and their scheduling;

15 f. The report required by Federal Rule of Civil Procedure 26 outlining the proposed  
16 discovery plan and its scheduling, including disclosure of expert witnesses;

17 g. Cut-off dates for discovery and law and motion, and dates for pretrial conference  
18 and trial;

19 h. Special procedures, if any;

20 i. Estimated trial time;

21 j. Modifications of standard pretrial procedures due to the simplicity or complexity  
22 of the proceedings;

23 k. Whether the case is related to any other cases, including bankruptcy;

24 l. Whether a settlement conference should be scheduled;

25 m. Whether counsel will stipulate to the magistrate judge assigned to this matter  
26 acting as settlement judge and waiving disqualification by virtue of his so acting, or whether they

1 prefer to have a settlement conference conducted before another judge;

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

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The October 7, 2009 status conference is continued to December 16, 2009 at 10:00  
5 a.m. in Courtroom No. 25;

6 2. No later than December 2, 2009, all parties shall file status reports (or a joint status  
7 report), discussing the matters addressed above;

8 3. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal,  
9 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030; and

10 4. Within fifteen days of this order, the U.S. Marshal is directed to serve a copy of this  
11 order on all defendants who were personally served at the address where service of process was  
12 effected. In the event the U.S. Marshal is unable to do so, for any reason whatsoever, the  
13 Marshal is directed to report that fact, and the reasons for it, to the undersigned within twenty  
14 days of this order.

15 IT IS SO ORDERED.

16 DATED: October 1, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE