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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CURTIS HIGHTOWER,
Plaintiff,
v.
W. PATTON,
Defendant.

No. 2:08-cv-00228-MCE-EFB

AMENDED ORDER CONTINUING TRIAL

YOU ARE HEREBY NOTIFIED the jury trial is vacated and continued to **May 26, 2015**, at **9:00 a.m.** in Courtroom 7. The parties shall file trial briefs not later than **May 12, 2015**. Counsel are directed to Local Rule 285 regarding the content of trial briefs.

Any evidentiary or procedural motions are to be filed by **May 5, 2015**.
Oppositions must be filed by **May 12, 2015** and any reply must be filed by **May 19, 2015**.


Any outstanding Writs of Habeas Corpus Ad Testificandum are vacated. The clerk's office is directed to notify the out-to-court desk and fax the warden(s) of the appropriate prison(s).

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1 Due to the Court's high civil caseload, the parties are encouraged to consider
2 consenting to a jury or nonjury trial before the assigned Magistrate Judge¹ as well as
3 availing themselves of the Court's Alternative Dispute Resolution programs.² See E.D.
4 Cal. Local Rs. 171, 301.

5 IT IS SO ORDERED.

6 DATED: January 20, 2015

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9 MORRISON C. ENGLAND, JR, CHIEF JUDGE
10 UNITED STATES DISTRICT COURT
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18 ¹ The Eastern District of California has for years been one of the busiest District Courts in the
19 nation. The parties are reminded that pursuant to Federal Rule of Civil Procedure 73 and Local Rule 301,
20 the parties may consent to a jury or nonjury trial before the assigned Magistrate Judge. As a result of the
21 Court's high civil case load and the statutory right to a speedy trial in criminal cases, the parties are
22 encouraged to consider the advantages of consenting to Magistrate Judge jurisdiction. Magistrate Judges
23 can assign civil litigants a trial date much sooner and with more certainty than District Court Judges. In
addition, since Magistrate Judges do not try felony cases, a trial date assigned by one can be considered
a firm date which will not be preempted by a criminal case. Exercise of this jurisdiction by a Magistrate
Judge is however, permitted only if all parties file a voluntarily consent form. Parties may, without adverse
substantive consequences, withhold their consent, but this will prevent the Court's case dispositive
jurisdiction from being exercised by a Magistrate Judge.

24 ² The Court may, at the election of all the parties, refer certain actions to the Voluntary Dispute
25 Resolution Program ("VDRP"). If the parties believe that participation in a mediation and/or a settlement
26 conference with a Magistrate Judge would be beneficial, they are encouraged to contact the Court's
27 Alternative Dispute Resolution (ADR) Division, in writing, at the address or email address below: ADR
28 Division, Attention: Sujean Park, U.S. District Court, 501 I Street, Suite 4-200, Sacramento, CA 95814,
email: spark@caed.uscourts.gov. Alternatively, the parties may request referral to the VDRP by filing a
Stipulation and Proposed Order reflecting the agreement of all parties to submit the action to the VDRP
pursuant to Local Rule 271. Should the parties reach a settlement or otherwise resolve their case by
agreement of the parties, they are reminded that it is the duty of counsel to immediately file a notice of
settlement or resolution as set forth in Local Rule 160.