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

DAVID E. EDWARDS,

No. CIV S-08-0620-CMK-P

Plaintiff,

vs.

ORDER

CSP SOLANO, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner now proceeding with counsel, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c).

Pursuant to the current schedule in this case, the time for any dispositive motions has passed. The court has resolved the motions for summary judgment, the parties attended an unsuccessful settlement conference, and this case should now be ready for trial. Status reports were filed by the parties last year, prior to the summary judgment motions and settlement conference. As significant time has passed, the court now requires an update. The parties shall therefore submit to the court a report on the status of this case. As plaintiff is now represented by

1 counsel, the parties shall meet and confer prior to filing their report.¹ The report must address the
2 following:

- 3 1. Whether this matter is ready for trial and, if not, why not;
- 4 2. Whether a pretrial motion is contemplated and, if so, the type of motion
5 and the time needed to file the motion and complete the time schedule set forth in Local Rule
6 230;
- 7 3. A narrative statement of the facts that will be offered by oral or
8 documentary evidence at trial;
- 9 4. A list of all exhibits to be offered into evidence at the trial of the case;
- 10 5. A list of the names and addresses of all witnesses the party intends to call;
- 11 6. A summary of the anticipated testimony of any incarcerated witnesses;
- 12 7. Proposed dates for trial, including the time estimated for trial;
- 13 8. Whether either party still requests trial by jury;
- 14 9. If any defendants remain unserved, the parties shall address whether such
15 defendants should be dismissed under Federal Rule of Civil Procedure 4(m);
- 16 10. Whether a status conference is necessary prior to setting this matter for
17 trial; and
- 18 11. Any other matter, not covered above, which the party desires to call to the
19 attention of the court.

20 Following the receipt of the status reports, unless it is determined that a status
21 conference is necessary, the court will issue a final scheduling order setting this matter for a pre-
22 trial hearing and trial. The parties will thereafter be required to file pre-trial statements, and the
23 court will address the issue of any incarcerated witnesses.

24 ///

25 ¹ The court will allow the parties to decide whether a joint status report can be filed.
26 If not, the parties shall submit separate status reports within the time provided.

1 The parties are warned that failure to file a status report which addresses the
2 issues set forth above may result in the imposition of appropriate sanctions, including dismissal
3 of the action or preclusion of issues or witnesses. See Local Rule 110.

4 Accordingly, IT IS HEREBY ORDERED that the parties shall file a status report,
5 either jointly or separately, within 30 days.

6
7 DATED: January 24, 2012

8 
9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE