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

JAMES ABEL,

Plaintiff,

No. CIV S-09-1749 KJM P

vs.

MIKE MARTEL, et al.,

Defendants.

ORDER

_____/

Plaintiff is California prisoner proceeding with counsel with an action filed pursuant to 42 U.S.C. § 1983. By order filed May 26, 2010, plaintiff's complaint was dismissed pursuant to 28 U.S.C. § 1915A(b) with leave to file an amended complaint. Plaintiff has now filed an amended complaint. Because the amended complaint states cognizable claims, the court will order service of process on defendants.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The Clerk of the Court issue and send nine summonses to plaintiff.
2. The Clerk of the Court send plaintiff nine copies of the form "Consent to

Proceed Before United States Magistrate Judge."

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1 3. Plaintiff shall complete service of process in accordance with Federal Rule of
2 Civil Procedure 4 within sixty days from the date of this order. Plaintiff shall serve a copy of
3 this order on each defendant together with a summons, a copy of plaintiff's amended complaint
4 and the "Consent to Proceed Before United States Magistrate Judge" form.

5 4. Defendants shall reply to the amended complaint within the time provided by
6 the applicable provisions of Fed. R. Civ. P. 12(a) and shall file the "Consent to Proceed Before
7 United States Magistrate Judge" with any initial appearance.

8 5. A status conference is hereby set before the undersigned at 10 a.m. on March
9 30, 2011. The parties shall submit to the court and serve by mail on all other parties, no later
10 than seven days before the Status (Pretrial Scheduling) Conference, a status report addressing the
11 following matters:

12 A. Service of process;

13 B. Possible joinder of additional parties;

14 C. Any expected or desired amendment of the pleadings;

15 D. Jurisdiction and venue;

16 E. Anticipated motions and the scheduling thereof;

17 F. The proposed discovery plan developed pursuant to Federal Rule of
18 Civil Procedure 26(f);

19 G. The potential for settlement and specific recommendations regarding
20 settlement procedures and timing, including whether a settlement
21 conference should be scheduled and if so when, and whether referral to the
22 court's Voluntary Dispute Resolution Program (see Local Rule 16-271) is
23 appropriate in this case;

24 H. Future proceedings, including setting appropriate cutoff dates for
25 discovery and law and motion and the scheduling of a pretrial conference
26 and trial;

1 I. Modification of standard pretrial procedures specified by the rules due
2 to the relative simplicity or complexity of the action or proceedings;

3 J. Whether the case is related to any other case, including matters in
4 bankruptcy;

5 K. Any other matters that may add to the just and expeditious disposition
6 of this matter.

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

17 DATED: November 19, 2010.

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20 U.S. MAGISTRATE JUDGE