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

GRANT S. PARKINSON et al.,

Plaintiffs,

No. CIV S-09-2257 DAD P

vs.

BUTTE COUNTY
SHERIFF’S DEP’T et al.,

Defendants.

ORDER

Plaintiffs, Butte County Jail inmates, are proceeding through counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiffs have paid the filing fee.

Plaintiffs’ complaint appears to state a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) against defendants Butte County Sheriff’s Department, Correctional Officer Marten, Captain Jones, California Forensic Medical Group, Does 1-10, and Does 11-20.¹ If the allegations of the complaint are proven, plaintiffs have a reasonable opportunity to prevail on the merits of the action. The Clerk of the Court will be directed to issue the appropriate number of summonses to plaintiffs for purposes of service of process. See Federal Rule of Civil Procedure 4.

¹ If plaintiffs learn the identities of the Doe defendants they must seek leave to amend their complaint for substitution purposes.

1 Plaintiffs shall complete service of process in accordance with Federal Rule of
2 Civil Procedure 4 within 60 days from the date of this order. Plaintiffs shall serve a copy of this
3 order on each defendant together with a summons and a copy of complaint.²

4 Within 120 days from the date of this order, plaintiffs and defendants shall each
5 submit to the court and serve by mail on all other parties the following status report:

- 6 1. Whether this matter is ready for trial and, if not, why not;
- 7 2. Whether additional discovery is deemed necessary. If further discovery is
8 deemed necessary, the party desiring it shall state the nature and scope of the discovery and
9 provide an estimate of the time needed in which to complete it;
- 10 3. Whether a pretrial motion is contemplated. If any such motion is
11 contemplated, the party intending to file it shall describe the type of motion and shall state the
12 time needed to file the motion and to complete the time schedule set forth in Local Rule 230;
- 13 4. A narrative statement of the facts that will be offered by oral or documentary
14 evidence at trial;
- 15 5. A list of all exhibits to be offered into evidence at the trial of the case;
- 16 6. A list of the names and addresses of all witnesses the party intends to call;
- 17 7. A summary of the anticipated testimony of any witnesses who are presently
18 incarcerated;
- 19 8. The time estimated for trial;
- 20 9. Whether either party still requests trial by jury; and
- 21 10. Any other matter, not covered above, which the party desires to call to the
22 attention of the court.

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24 ² Plaintiffs' counsel is advised that this court may also order the United States Marshal to
25 effect service on the defendants. If counsel wishes to proceed with service through the United
26 States Marshal, counsel should file a motion requesting the necessary documents for purposes of
service of process.

1 In addition, plaintiffs shall inform the court in their status report of the date and
2 manner of service of process.

3 The parties are informed that they may, if all consent, have this case tried by a
4 United States Magistrate Judge while preserving their right to appeal to the Circuit Court of
5 Appeals. An appropriate form for consent to trial by a magistrate judge is attached. Any party
6 choosing to consent may complete the form and return it to the clerk of this court. Neither the
7 magistrate judge nor the district judge handling the case will be notified of the filing of a consent
8 form unless all parties to the action have consented.

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

10 1. The Clerk of the Court is directed to issue and send plaintiffs' counsel 4
11 summonses for defendants Butte County Sheriff's Department, Correctional Officer Marten,
12 Captain Jones, and California Forensic Medical Group. The Clerk shall also send plaintiffs'
13 counsel 5 copies of the form "Consent to Proceed Before United States Magistrate Judge" with
14 this order.

15 2. Plaintiffs shall complete service of process on the defendants within 60 days
16 from the date of this order. Plaintiffs shall serve a copy of this order and a copy of the form
17 "Consent to Proceed Before United States Magistrate Judge" on each defendant at the time the
18 summons and complaint are served.

19 3. Defendants shall reply to the complaint within the time provided by the
20 applicable provisions of Fed. R. Civ. P. 12(a).

21 4. Plaintiffs' status report shall be filed within 90 days from the date of this order.
22 Defendants' status report shall be filed within thirty days thereafter. The parties are advised that
23 failure to file a status report in accordance with this order may result in the imposition of
24 sanctions, including dismissal of the action and preclusion of issues or witnesses.

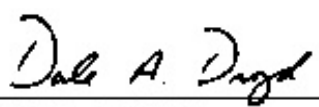
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5. A motion or opposition supported by unsigned affidavits or declarations will be stricken.

DATED: February 10, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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