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

XAVIER DMETRI NAILING,

No. 2:09-CV-2475-MCE-CMK

Plaintiff,

vs.

ORDER

B.D. FOSTERER, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a former prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.<sup>1</sup> An initial status/scheduling conference was held in this matter on June 27, 2012, at 10:00 a.m. before the undersigned. Plaintiff did not appear.<sup>2</sup> Daniel Ikeri, Esq., appeared for defendant(s).

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<sup>1</sup> When this case was filed, plaintiff was incarcerated and case management in this matter was governed by the court's local rules for cases filed by state prisoners. Upon plaintiff's release from incarceration, these local rules no longer applied. This matter now proceeds under the local rules as a pro se civil case.

<sup>2</sup> Plaintiff is advised that, in the future, he may appear by telephone. It is possible that plaintiff was not aware of his ability to appear telephonically.

