

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

KEVIN JACKSON,

Plaintiff, No. 2:09-cv-3234 KJN F

VS.

RALLOS, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding with retained counsel. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302.

Plaintiff has paid the filing fee in this case.

The court has reviewed plaintiff's complaint and, for the limited purposes of § 1915A screening, finds that it states a cognizable claim against defendants Rallos, Traquina, Rohrer, Mahon and Noriega. See 28 U.S.C. § 1915A.

The Clerk of the Court will be directed to issue the appropriate number of summonses to plaintiff for purposes of service of process. See Federal Rule of Civil Procedure 4.

Plaintiff shall complete service of process in accordance with Federal Rule of

1 Civil Procedure 4 within sixty days from the date of this order. Plaintiff shall serve a copy of this
2 order on each defendant together with a summons and a copy of the complaint filed on
3 November 19, 2009.

4 Within 120 days from the date of this order, plaintiff 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 specific scope of the discovery
9 and 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(l);

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.

23 In addition, plaintiff shall inform the court in his status report of the date and
24 manner of service of process.

25 The parties are informed that they may, if all consent, have this case tried by a
26 United States Magistrate Judge while preserving their right to appeal to the Circuit Court of

1 Appeals. An appropriate form for consent to trial by a magistrate judge is attached. Any party
2 choosing to consent may complete the form and return it to the clerk of this court. Neither the
3 magistrate judge nor the district judge handling the case will be notified of the filing of a consent
4 form unless all parties to the action have consented.

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

6 1. The Clerk of the Court is directed to issue and send plaintiff 5 summonses, for
7 defendants Rallos, Traquina, Rohrer, Mahon and Noriega. The Clerk shall also send plaintiff 5
8 copies of the form "Consent to Proceed Before United States Magistrate Judge" with this order.¹

9 2. Plaintiff shall complete service of process on the defendants within sixty days
10 from the date of this order. Plaintiff shall serve a copy of this order and a copy of the form
11 "Consent to Proceed Before United States Magistrate Judge" on each defendant at the time the
12 summons and complaint are served.

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

15 4. Plaintiff's status report shall be filed within ninety days from the date of this
16 order. Defendants' status report shall be filed within thirty days thereafter. The parties are
17 advised that failure to file a status report in accordance with this order may result in the
18 imposition of sanctions, including dismissal of the action and preclusion of issues or witnesses.

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26 ¹ Plaintiff has already consented to proceed before a magistrate judge.

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

DATED: April 1, 2010

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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